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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Report of the Special Rapporteur, Mr. P. Kooijmans, pursuant to Commission on Human Rights resolution 1991/38

GE.91-14275/4149B

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Introduction

1. At its forty-first session, the Commission on Human Rights adopted resolution 1985/33, in which it decided to appoint a special rapporteur to examine questions relevant to torture.

2. On 12 May 1985, the Chairman of the Commission appointed Mr. Peter Kooijmans (Netherlands) Special Rapporteur, who, in pursuance of Commission resolutions 1985/33, 1986/50, 1987/29, 1988/32, 1989/33 and 1990/34, submitted reports (E/CN.4/1986/15, E/CN.4/1987/13, E/CN.4/1988/17 and Add. 1, E/CN.4/1989/15, E/CN.4/1990/17 and Add.1 and E/CN.4/1991/17) to the Commission at its forty-second, forty-third, forty-forth, forty-fifth, forty-sixth and forty-seventh sessions respectively.

3. In its resolution 1990/34 the Commission decided to extend the mandate of the Special Rapporteur for a further two years, while maintaining the annual reporting cycle, in order to enable him to submit further conclusions and recommendations to the Commission.

4. At its forty-seventh session, the Commission had before it the sixth report of the Special Rapporteur (E/CN.4/1991/17 and Add.1), prepared in pursuance of its resolution 1990/34, and adopted resolution 1991/38, in which it decided that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive credible and reliable information from Governments, the specialized agencies, and intergovernmental and non-governmental organizations.

5. In conformity with Commission resolutions 1990/34 and 1991/38 the Special Rapporteur hereby presents his seventh report to the Commission. Chapter I of the report deals with a number of aspects pertaining to the Special Rapporteur's mandate and methods of work. Chapter II consists of the correspondence between the Special Rapporteur and Governments of States with regard to which detailed information alleging the practice of torture has been received. This chapter describes, in a summarized form, communications from the Special Rapporteur to Governments, including both urgent appeals and letters, and Governments' replies thereto received up to 16 December 1991. Chapter III contains information on follow-up visits made by the Special Rapporteur in the past. Chapter IV contains conclusions and recommendations.

I. MANDATE AND METHODS OF WORK

6. During 1991 the Special Rapporteur continued to receive an alarming number of communications on alleged cases of torture. Although the number of allegations received by the Special Rapporteur cannot be used as an indicator for the increase or decrease of the occurrence of torture throughout the world, it provides clear evidence that the practice of torture is still widespread and that, consequently, the fight against torture has to be continued relentlessly.

7. In conformity with his mandate, as contained in resolution 1991/38, the Special Rapporteur has brought the information received by him to the attention of the Governments concerned whenever he deemed such information reliable and credible. In reaching such a conclusion, the Special Rapporteur is led by a number of considerations, the most important of which are: does the alleged case fit into the general pattern of the human rights situation in the country concerned, as documented in human rights reports which have been published by governmental and non-governmental agencies? And if so, is the information provided sufficiently precise and detailed to enable the Government concerned to carry out an investigation? The mere fact that the latter condition is frequently not fulfilled means that only a relatively small percentage of the communications received are transmitted to Governments.

8. The transmittal of a communication to a Government should not be taken as an assumption by the Special Rapporteur that the allegation contained is true or well-founded. It is no more than a request to investigate the matter and to inform the Special Rapporteur of the outcome of such an investigation. The communication transmitted should, therefore, always be evaluated together with the reply of the Government concerned. It may be recalled that in paragraph 16 of resolution 1991/38 the Commission on Human Rights appealed to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to furnish all information requested, and that in paragraph 17 it urged those Governments which had not yet responded to communications transmitted to them to answer expeditiously.

9. The Special Rapporteur notes with appreciation that an increasing number of Governments have heeded this request and have provided him with replies. As was said in the Special Rapporteur's previous reports, such a reply should contain information about the authority responsible for the investigation, the persons questioned, the result of any medical examination and the identity of the person who performed it, the decision in a complaint which was eventually filed and the grounds for that decision, as well as any other relevant material. A number of replies received are more or less in conformity with these requirements or refer to an inquiry by the police or the judiciary which has been initiated. In the latter case, the Special Rapporteur feels that he should be informed of the outcome of such an inquiry once it has been concluded.

10. In other cases, however, the Special Rapporteur continues to receive replies merely denouncing the allegations transmitted as fabrications or as vilifications of the authorities in power. The Special Rapporteur feels strongly that such replies cannot be considered to be satisfactory, particularly in cases where the authorities, on other occasions, have admitted

that torture may occur and does occur in the country concerned. The sustained campaign of the internationcal community against torture makes it necessary for all Governments to take allegations about torture practices seriously and to look into each and every case which is brought to their attention.

11. As he has said in previous reports, the Special Rapporteur is well aware that allegations of torture may be brought forward with the intention of tainting a Government's image. Since torture is generally practised by government-employed persons in conditions where impartial witnesses are absent, allegations of torture easily lend themselves to such purposes. If a Government, however, feels that it has become the victim of such a smear campaign, the most logical solution is to invite the Special Rapporteur to visit the country and carry out an investigation himself. On several occasions the Special Rapporteur has suggested to Governments whose representatives told him that the allegations had been made merely for political motives that they extend to him such an invitation for an investigative visit. As a formula for such investigative visits, he has proposed that the Government and the Special Rapporteur both choose an equal number of cases from the list of allegations transmitted. The Special Rapporteur would then hold discussions with the alleged victims, their lawyers, the medical officers who examined them, the officials who conducted the interrogations, the officials in charge of the places of detention where they were held, etc. So far, however, no Government has reacted positively to such suggestions.

12. As regards the more general aspects of the performance of his mandate, the Special Rapporteur strongly feels that such performance would gain in effectiveness if he were authorized, from time to time, to carry out on-the-spot investigations. The Commission's thematic mandates are often called monitoring mechanisms, and since fact-finding forms part of monitoring, fact-finding visits would considerably enhance the effectiveness of the functioning of such mechanisms. The Special Rapporteur feels that the apparent hesitation on the part of Governments to invite him to conduct such a fact-finding visit may stem from the fear that his findings would be considered to be a quasi-judicial verdict. He wishes to stress that his report on such a visit could only reveal the facts and the various contentions as submitted to him during the visit.

13. In this context, the Special Rapporteur notes with appreciation that the Minister of Justice of Djibouti, in a letter dated 10 June 1991, invited him to visit that country to carry out an objective and independent inquiry into a number of alleged cases of torture which he had brought to the attention of the Government of Djibouti by letter dated 17 April 1991, and on which the Government, in the same letter dated 10 June 1991, had provided detailed information (see paras. 62-64 below). Owing to a regrettable delay in communications, this visit, which had originally been scheduled to take place during the first half of October 1991, had to be postponed until a later date. The Special Rapporteur welcomes this invitation and wishes to commend the Government of Djibouti for its cooperative attitude. He feels that the Government of Djibouti, by setting this example, has contributed to a more effective functioning of the Commission's mandate on torture.

14. The urgent appeal procedure is basically different from the transmittal of communications about alleged cases of torture. An urgent appeal is made whenever the Special Rapporteur receives information that a person has been arrested and fear is expressed that that person may be subjected to torture. Such fear may be based inter alia, on accounts by relatives or other visitors of the detainee's physical condition or on the fact that the detainee is kept incommunicado, a situation which is conducive to torture. An urgent appeal by the Special Rapporteur is of a purely humanitarian nature. The Government concerned is merely requested to assure the Special Rapporteur that the detained person's physical and mental integrity will be guaranteed. Such an appeal, moreover, provides the Government concerned with the opportunity to look into the matter and to uphold its obligations under international law by instructing the detaining authorities to respect the individual's right to physical and mental integrity.

15. In a small number of cases, subsequent to the sending of an urgent appeal to the Government concerned, the Special Rapporteur is informed by the source which made the request for urgent action that the person or persons regarding whom the request was made had already been released at the time the Special Rapporteur made his appeal. In such cases, the appeals may be considered null and void, and are not mentioned in the report.

16. Upon the invitation of the Government of Indonesia the Special Rapporteur visited that country from 4 to 16 November 1991 for consultations with the authorities and with professional and non-governmental organizations. The report on the visit will be presented in an addendum to the present report. The Special Rapporteur wishes to express his deep appreciation to the Government of Indonesia for extending this invitation to him. As he said in previous reports, such visits provide him with highly useful information about the human rights situation in a country in general, and the occurrence of torture in particular, thereby enabling him to make recommendations to prevent torture, taking into account the specific legal and administrative context of that country. The usefulness of such visits for consultative purposes has also been recognized by the Commission on Human Rights, which in paragraph 19 of resolution 1991/38 encouraged Governments to give serious consideration to inviting the Special Rapporteur to visit their country so as to enable him to fulfil his mandate even more effectively. The Special Rapporteur expresses the hope that other Governments which may be approached by him in order to discuss the possibilities for a visit will take the same positive attitude as has been shown by the Governments of those countries which invited him in the past. Such consultative visits are a unique expression of the combined efforts of the organized international community and individual Governments to eradicate the evil of torture.

17. As was said before, the reports on country visits contain recommendations which are geared to the specific situation in the country concerned. The Special Rapporteur always invites Governments to provide him with their comments with regard to these recommendations. The Special Rapporteur expresses his appreciation to the Government of the Philippines for its reaction to part of his recommendations. He is also grateful for additional information provided to him by the Government of Turkey, a country he visited in September 1988. The information received from these Governments appears in chapter III below. The Special Rapporteur regrets that to date he has received

no formal reaction from the Governments of Peru (visited in April 1988), Guatemala or Honduras (both visited in September 1989). He reminded the three Governments of his request for such reaction by letters dated 17 and 21 October 1991, recalling paragraph 18 of resolution 1991/38, in which the Commission on Human Rights expressed its thanks to the Governments which invited the Special Rapporteur to visit their country and requested them to give due consideration to his recommendations and to keep him informed of action taken thereon. In this context the Special Rapporteur wishes to draw attention to information provided by the Government of Peru to the Centre for Human Rights on some measures which have been taken and which are relevant to his mandate. This information is also reflected in chapter III below.

18. In April 1991 the Special Rapporteur had informal discussions with the Chairman and with members of the Committee against Torture. He also had a formal meeting with the Board of the Voluntary Fund for the Victims of Torture. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of the Council of Europe, provided the Special Rapporteur with reports on the visit the Committee paid to Austria and to Denmark; these reports were published with the consent of the Governments concerned. The Special Rapporteur is of the opinion that a continuing exchange of information between the various mechanisms and bodies entrusted with the task of combating torture will enhance their effectiveness.

19. During the first session of the Preparatory Committee of the World Conference on Human Rights, held at Geneva from 9 to 13 September 1991, the representative of the Working Group on Enforced or Involuntary Disappearances drew the attention of participants to what he described as the "system overload" of the Special Procedures Section of the Centre for Human Rights. He pointed out that the number of special procedures serviced by the Section had increased in six years from 6 to 16, but that the number of staff assigned to service these procedures had far from kept pace with this increase. This disproportion will inevitably have negative effects on the quality of implementation of the various mandates. The Special Rapporteur shares this concern. The wider the mandate becomes known, the larger the volume of work it entails, as more processing of information and more correspondence with Governments is required. The Special Rapporteur feels that, as a matter of high priority, measures have to be taken in order to enable the special procedures established by the Commission to continue to function adequately and effectively.

II. ACTIVITIES OF THE SPECIAL RAPPORTEUR

A. Urgent action

20. During the period covered by the present report, the Special Rapporteur continued to receive increasing numbers of requests for urgent action or information containing elements which, he deemed, justified such urgent action. These requests principally concerned persons who were allegedly being subjected to torture, or regarding whom fears were expressed that they may be subjected to torture, usually while being held incommunicado in police or army custody, or during interrogation. Following such requests, the Special Rapporteur addressed 64 urgent messages, each of them concerning one or several persons, for the immediate attention of the respective Governments. In doing so, he appealed to these Governments, on a purely humanitarian basis, to ensure that the right to physical and mental integrity of those concerned was protected and that the treatment meted out to them while in detention was humane.

21. Appeals were sent to the Governments of: Bahrain, Burundi, China, Cuba, Egypt, Equatorial Guinea, Ethiopia, Greece, Haiti, Honduras, Iran, Iraq, Jordan, Kenya, Kuwait, Malawi, Malaysia, Mauritania, Morocco, Nigeria, Pakistan, Philippines, Rwanda, South Africa, Sri Lanka, Sudan, Tunisia, Turkey, Uganda, Union of Soviet Socialist Republics and Zaire.

22. The Governments of the following countries replied to the appeals for urgent action addressed to them by the Special Rapporteur (including appeals sent previously and reflected in previous reports of the Special Rapporteur): Bahrain, Colombia, Cuba, Egypt, Equatorial Guinea, Greece, Iran (Islamic Republic of), Iraq, Israel, Kenya, Morocco, Myanmar, Philippines, South Africa, Sudan, Turkey, Union of Soviet Socialist Republics, Zaire.

B. Implementation of Commission resolution 1991/70

23. In the framework of Commission resolution 1991/70, entitled "Cooperation with representatives of United Nations human rights bodies", the Special Rapporteur sent an urgent appeal to the Government of Turkey on 11 September 1991 concerning Yavuz Binbay, president of the Turkish Human Rights Association and member of the Executive Committee of that organization at the national level, who had been reporting regularly on the human rights situation in that region. According to the information received he was orally threatened by members of the Security Department in the city of Van in April 1989 and in March 1990. After the threats, he reportedly had two car accidents under circumstances which he believed were provoked. It was further alleged that he was under permanent surveillance by members of the MIT (a security service) and by local members of the Security Department. Given the fact that in the past he had been imprisoned and subjected to torture, fear was expressed that he could again be arrested and ill-treated.

24. The Special Rapporteur transmitted to the Government of the Islamic Republic of Iran, by letter dated 6 August 1991, information received on the arrest and subsequent alleged torture of Mr. Massoud Afravi, soon after he met the Special Representative of the Commission on Human Rights, Mr. R. Galindo-Pohl, during the latter's visit to Tehran in January 1990.

In his meeting with the Special Representative, Mr. Afravi denounced human rights violations in the Islamic Republic of Iran, including the alleged summary execution of his brother Naji Afravi, in January 1989, in Khalkhal. Mr. Massoud Afravi was arrested on 30 January 1990 at his home and detained at Shahr Rey prison, Nikonam Street, near Tehran. During his detention he was allegedly tortured in various ways, and as a result had a large scar on his left upper arm. During 1990 he was sent for treatment at the Pars hospital on several occasions, but was sent back to the Shahr Rey prison afterwards, where torture allegedly resumed. During one stay at the hospital in December 1990 he was able to escape and he eventually fled the country. According to the source, Mr. Afravi had a medical certificate dated 18 March 1991 concerning the above-mentioned scar on his left upper arm, stating that the torture allegation coincided with the results of the medical examination.

C. Correspondence with Governments

Bahrain

Urgent appeals and Government replies

25. On 3 May 1991 the Special Rapporteur sent an urgent appeal to the Government of Bahrain concerning Salah Abdullah Habil Al-Khawaja, whose case had already been transmitted to the Government on 6 June 1990 (see E/CN.4/1991/17, paras. 25 and 26). By letter dated 6 August 1990 the Government of Bahrain informed the Special Rapporteur that this person had been sentenced to a term of seven years' imprisonment, and affirmed that he, and the other persons named in the above-mentioned letter, had not been subjected to any form of physical or mental torture. The Special Rapporteur drew the Government's attention to information he received according to which Mr. Al-Khawaja and other prisoners went on hunger strike to protest against their conditions of detention and the ill-treatment to which they were allegedly subjected. It was further alleged that Mr. Al-Khawaja had been beaten and injured by police personnel and was subsequently transferred from Al-Manama prison to Jaw prison, where he was being held incommunicado and was given no medical treatment. Fears were expressed that his health might further deteriorate unless he received the necessary medical care.

26. On 26 August 1991 the Government of Bahrain replied that Salah Abdullah Hubail Al-Khawaja had been brought to trial before the State Security Court on the charge of engaging in acts of terrorism and weapons training with a view to changing the State's political system, and that he was serving his prison sentence. The competent authority had confirmed that the above-mentioned person had not been subjected to any form of torture and that the allegations made in this connection were unfounded. The reply also indicated that all the prisoners enjoyed their legally stipulated rights in regard to family visits and medical care.

Letters

27. On 18 October 1991 the Special Rapporteur sent a letter to the Government of Bahrain concerning the death as a result of torture of Mamdooh Mahdi Ahmed. This person was reportedly arrested in 1980, when he was 13 years old, and taken to the Al Qala'a prison in Manama, where he remained for four years

under the State Security Decree. During this period he was not permitted to appoint a lawyer and, during the first two years, his family was not permitted to visit him. He was reportedly subjected to severe beating, in particular on his head and nose, which caused a fracture of a bone in the nose, and developed epilepsy; this illness affected his mental capacities and caused a periodic coma. Despite the medical treatment undergone, his health condition deteriorated and, on 20 May 1991, he died in the Salmaniya hospital.

Bangladesh

Letters and Government replies

28. On 27 November 1990 the Special Rapporteur sent a letter to the Government of Bangladesh transmitting information according to which Hasanul Karim alias Manik, a student leader aged 24 from Chittagong, and Chandan Kumar Bhowmik, were arrested on 21 May 1990, reportedly following an armed clash with police. It was alleged that following their arrest, they were taken to a nearby police camp where they were tortured and kicked, and that they were later transferred to Kotwali police station. On 22 May 1990 Manik's father was informed that his son had died on the way to a hospital. The post-mortem report revealed that the cause of death was shock and haemorrhage of the brain. The injuries were said to have been caused by blunt weapons. Police later claimed that Manik died because of manhandling by the public at the time of his arrest, but this version was denied by eyewitnesses.

29. On 18 December 1990 the Government of Bangladesh replied, describing the violent incident in which Hasanul Karim and an accomplice were manhandled and injured by members of the public before they were arrested by police. The two were among a group who had allegedly opened fire indiscriminately with automatic weapons and exploded fire crackers on the court premises in order to snatch away two accused persons from police custody. Two policemen were seriously injured in that incident. Hasanul Karim was given first aid, but his condition later deteriorated and he had to be admitted to Chittagong Medical College Hospital, where he died of his wounds. The Minister for Home Affairs instructed the Criminal Investigation Department to investigate the case fully and submit a report. There had, however, been no proof or evidence regarding the death of Hasanul Karim due to police torture. The allegations concerning his death as the result of police brutality and torture were therefore completely misconceived, distorted and misleading and did not relate to the actual facts.

30. On 18 October 1991 the Special Rapporteur sent a letter to the Government of Bangladesh transmitting information concerning Manirul Murshed, a Bangladeshi asylum seeker in Sweden, who was forcibly returned to Bangladesh on 10 October 1990, after his application for asylum had been rejected by the Swedish authorities. On arrival at Dhaka airport he was arrested by airport police and during the 13 hours of his detention he was repeatedly beaten with a truncheon, including on the soles of his feet and his genitals, whipped with an electric cable and kicked. After being released he was examined by a doctor who confirmed that he had been severely tortured and that, as a result, his eyesight had been permanently damaged.

31. On the same date, the Special Rapporteur also informed the Government of a report he had received regarding the human rights situation in the militarized region of the Chittagong Hill Tracts. According to this report, people accused of being members of the Shanti Bahini (the armed wing of the underground political party Jana Samhati Samiti) were frequently arrested and severely tortured.

Belize

Letters

32. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Belize concerning Luis Arturo Arévalo, a Guatemalan citizen, who was reportedly captured by the Special Branch of the Belizean security forces on 3 or 4 November 1990, allegedly subjected to torture and then handed over to the Guatemalan authorities. It was later reported that the Prime Minister of Belize had appointed a commission of inquiry to make a full and thorough investigation into the torture allegation. The Special Rapporteur asked the Government to inform him of the findings and conclusions of the inquiry.

Brazil

Letters

33. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Brazil transmitting information alleging that the practice of arresting people, subjecting them to torture and then releasing them without charge, was a common practice in the country. It was further alleged that those responsible for the torture, when they were identified and brought to trial, were often given very light sentences. To illustrate that allegation the sources reported the case of an agent named José Gaetano Pereira, who was convicted of committing torture and was sentenced, in August 1990, to three months' imprisonment by the judge of 1st Instance of Ipatinga, Minas Gerais State. The sentence was reportedly later commuted to six months' community service. Since then various people reported cases of torture alleging that the same agent was responsible.

34. Information was also transmitted regarding the case of a 16-year-old youth, named Domingo Vasconcelos Macedo, who was arrested by police in October 1990 at Rio Branco, Acre State, and taken to the 6th Police Station. He was later taken by military police to the 1st Battalion Headquarters where he was allegedly subjected to torture.

35. On 7 May 1991 the Government informed the Special Rapporteur of a draft law which was being considered by the Congress in order to include in the penal code the crime of torture as a crime against the democratic State and humanity

Bulgaria

Letters and Government replies

36. On 16 December 1990 the Government of Bulgaria sent a letter to the Special Rapporteur in reply to his letter dated 18 July 1989 (E/CN.4/1990/17, para. 36), concerning allegations that several ethnic Turks died after being

beaten by security personnel in the course of violent demonstrations held in May 1989. The Government stated that judicial inquires had been initiated with regard to cases of violence, that the findings had been published and that the respective offenders were now facing the established charges against them. It was further affirmed that, following the political changes in the country, the Bulgarian parliamentarians had recently adopted several amendments and supplements to the existing Constitution, and had also begun a large-scale effort to draft a completely new one.

Burundi

Urgent appeals

37. On 3 December 1991 the Special Rapporteur sent an urgent appeal to the Government of Burundi concerning the following persons: Libère Barankitse, businessman; Liboire Bucumi, employee at the central bank; Emmanuel Ciiza, technician; Antoine Habonimana, employee at the central bank; Samuel Magenge, employee at the Prince Regent Hospital; Comé Minani, employee at the airport; William Munyembabazi, leader of the Musaga area; Vincent Ndayihebura, security guard; Severin Nsengimana, employee in the Ministry of Health; Fidèle Ntezahorirwa, employee in the Ministry of the Interior; Philippe Nzobonariba, employee in the Martens company; and Augustin Nzojibwami, teacher. According to the information received, these people, all members of the Hutu ethnic group, were arrested on 25 and 26 November 1991 on charges of maintaining links with the Party for the Liberation of the Hutu People and for taking part in an armed attack on military installations in Bujumbura. They were later taken to the Mura barracks and to other police detention centres and some were reportedly severely beaten when they were arrested. Fears had been expressed that these people might be subjected to torture or ill-treatment.

Cameroon

Letters

38. On 18 October 1991 the Special Rapporteur sent a letter to the Government of Cameroon transmitting information according to which certain political prisoners were being held in extremely harsh conditions which had seriously damaged the health of some and caused the death of others. The following cases were reported:

(a) Moudio Hildina was said not to have been released from the Nkondengui prison on completion of his sentence, in 1986. In December 1987 he was paralysed, but for a long time he was refused medical treatment. He died in hospital in June 1989;

(b) Abdoulaye Mazou, a former lawyer and magistrate whose prison sentence ended in 1989, was released from the Nkondengui prison in April 1990 and placed under house arrest. When he left prison he was suffering from several illnesses, including eyesight and kidney problems. Nevertheless, he was forced to wait for months before being allowed to travel to Yaoundé for treatment.

Chile

Letters

39. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Chile transmitting information on cases of torture and ill-treatment which reportedly occurred between March and December 1990. The letter mentioned the following cases: Fernando Concha Galvez, Iván Concha Pizarro, Erwin Rivera Castillo, Pedro Felipe Ramírez Chaparro, Lino Enrique Palma Insulza, Vladimir Ernesto Salamanca Morales, Rodrigo Morales Salas, Alvaro Rodríguez Escobar, Sergio Vásquez Barrientos, Ester Alfaro González, Abraham Larrea Zamorano, Catalina Avila Lazo, Wilson Rojas Mercado, Rodrigo Saa Gerbier, Yuri Aliro Vargas Araya and Jorge Antonio Espínola Robles. These people were reportedly subjected to torture and ill-treatment at various police stations and, among other things, were kicked and punched in different parts of the body, strung up for long periods by their wrists, deprived of food, water and sleep, suffered electric shocks to the sensitive parts of the body, near suffocation from plastic bags placed over their heads, "submarino seco", threats against them and their families, and mock executions. In the case of Jorge Antonio Espínola Robles, who was held at the Santiago Third Police Station, it was reported that, under the remedy of amparo, a request was made that a doctor should be sent urgently to the police station from the Forensic Medicine Department. The doctor observed that the detainee had various injuries which could only be explained by bullet wounds received when he was detained and by ill-treatment.

40. On 18 October 1991 the Special Rapporteur sent a second letter to the Government of Chile transmitting information to the effect that, despite the legislative measures adopted by the Government, torture was still being used by members of the Carabineros and the Police Department. The majority of the cases communicated involved members of armed opposition groups, in particular the Lautaro Youth Movement and the Manuel Rodríguez Patriotic Front, but also people who were arrested as a result of peaceful demonstrations or in connection with criminal investigations. In particular the following cases were transmitted:

(a) Jaime Patricio Celis Adasme, Jaime Iván Pinto Aglioni, Julio Ricardo Prado Bravo, Marcela Laura Mardones Pacheco and Patricio Alejandro Gallardo Trujillo, who were arrested between 6 and 10 July 1991 in Concepción by officers of the Police Department;

(b) Iván Andrés Córdova Córdova, arrested on 27 May 1991 and taken to the San Luis de Macul Police Station;

(c) Galia Gimpel Martínez, arrested on 20 May 1991 by carabineros and taken to Station No. 18 in Santiago;

(d) Lucio Eduardo Maldonado García, arrested on 15 May 1991 by the carabineros and taken to the police station in La Victoria, Santiago;

(e) Angel Patricio Muñoz Faundez, arrested by carabineros on 29 April 1991 in Cerro Navia, Santiago and taken to the carabineros station in San Pablo;

(f) Maria Teresa González Rodríguez, arrested by carabineros on 29 April 1991 in Santiago and taken to Carabineros Station No. 38;

(g) Patricio Fernando Ortiz Montenegro and Pedro Alberto Ortiz Montenegro, arrested on 28 February 1991 in Santiago by carabineros and taken to Police Station No. 10;

(h) Claudio Cavieres Montanares and Camilo Cavieres Montanares, arrested on 28 February 1991 in Santiago by carabineros and taken to Police Station No. 3;

(i) Miguel Armando Montecino Montecino, arrested by carabineros in Santiago on 19 December 1990 and taken to Police Station No. 3;

(j) Roberto Amado Pardo Ramírez, arrested in Santiago on 2 October 1990 and taken to the Carabineros Barracks No. 13;

(k) Pauline Jenkin Solervicens, arrested by carabineros on 13 September 1990 in Santiago;

(l) Félix Madariaga Leiva, arrested by carabineros in Santiago on 13 September 1990 and taken to Police Station No. 3;

(m) Leonardo Andrés Virán López, arrested on 7 September 1990 in Santiago and taken to the Police Department in Peñalolen;

(n) Marta Montiel Oyarzún, arrested by carabineros in Santiago on 25 August 1990;

(o) Efraín del Carmen Rojas Acevedo, arrested by carabineros on 17 August 1991 in Santa Adriana, Santiago;

(p) Gladys Carvajal Fuentes, arrested on 13 June 1990 in Graneros by members of the Carabineros Special Operations Group;

(q) Fernando Enrique Moreno Vega, arrested on 18 May 1990 in Santiago and taken first to Police Station No. 12 and then to Police Station No. 3;

(r) Miguel Angel Chacón Leyton, arrested by carabineros in Santiago on 29 March 1990 and taken to the Station in Renca;

(s) Juan Vásquez Ossa, arrested by carabineros on 29 March 1990 in Santiago.

China

Urgent appeals

41. On 28 August 1991 the Special Rapporteur sent an urgent appeal to the Government of China concerning Wang Juntao, aged 33, and Chen Ziming, aged 39, serving a 13-year prison sentence for their alleged involvement in the wave of incidents which occurred in Beijing in June 1989. According to the source, both prisoners had been held in solitary confinement in Prison 2 in Beijing

since 12 April 1991. It was reported that both had commenced a hunger-strike on 13 August 1991 to protest against their continued solitary confinement, lack of medical care and poor conditions in the prison. It was further reported that Wang Juntao was suffering from Hepatitis B, allegedly contracted in prison. Fears had been expressed that the physical integrity, and even the life of these two persons might be in danger unless they were promptly given adequate medical treatment.

42. On 17 September 1991 the Special Rapporteur sent an urgent appeal to the Government of China concerning Lobsang Tsondrue, a Buddhist monk aged 76 from Drepung monastery who had been arrested in April 1990, sentenced to six years' imprisonment and held in Drapchi prison, Lhasa, since then. It was reported that following an incident which had taken place in the prison on 27 April 1991, Lobsang Tsondrue and about 20 other prisoners had been subjected to severe beatings and, according to the information provided by another prisoner who saw him in late June, Lobsang Tsondrue had blood stains on his face and clothes and was in poor health. It was further reported that he had been held in prolonged solitary confinement, in violation of Chinese regulations which limit this punishment to 15 days. In the light of these circumstances, fears were expressed that his state of health might be seriously endangered.

43. On 10 December 1991 the Special Rapporteur sent an urgent appeal to the Government of China concerning the following persons:

(a) Sonam Wangdu, also known as Shukden or Shungden, who was sentenced to life imprisonment in 1988 and was being held in Drapchi prison, Lhasa. According to the sources, he was severely beaten following his participation in a peaceful vigil which took place in the prison in December 1990. He was later transferred to the public security hospital in bad condition and unable to walk on his own. After some treatment, he was returned to Drapchi jail in mid-February where he was being held incommunicado. Sources reported that his health was deteriorating rapidly and he could no longer control his bladder; however, he had not been provided with any medical care;

(b) Lonbsang Topchu (lay name Kungkyab), a monk of Sera monastery from Medro Lapdong, was arrested for taking part in a demonstration in the Bakhor area of Lhasa in May 1991 and stabbed repeatedly. He was first taken to the military hospital near Sera monastery and later transferred to Gutsa prison. Because of the stab wounds to his back and head he was unable to see properly and his breathing had been severely affected. According to the sources, despite the fact that he could no longer stand, even aided, he was being held in his cell at Gutsa, not in the hospital;

(c) Phuntsok Tsungme (lay name Thupten), a 23-year-old non-registered monk of Sera monastery, was arrested in May 1991 for taking part in a demonstration and was being held at Gutsa prison in Lhasa. According to the sources, he was receiving very harsh treatment and had been severely beaten by prison authorities;

(d) Lobsan Delek (lay name Sonam Choephel), a monk of Sera monastery, was arrested in May 1991 at his brother's office at the Tibetan Academy of Social Sciences and taken to Sangyip prison, 5 km north of Lhasa.

There he was placed in Block II and, since then, held in solitary confinement. In these circumstances, fears were expressed that his state of health had been affected.

Letters and Government replies

44. On 14 February 1991 the Special Rapporteur sent a letter to the Government of China transmitting information alleging torture and ill-treatment of prisoners in Tibet, including several nuns who were detained and allegedly tortured in Gurtsa prison, after taking part in pro-independence demonstrations. Most of the reported arrests occurred during 1989 but two occurred in 1988 and 1990, respectively. The following detailed cases were transmitted:

(a) Ugyen Dolma, aged 21, from Shugseb nunnery, arrested on 17 May 1988 at Barkhor and held in Gurtsa jail for two months. Her torture allegedly included being beaten until she was unconscious, and being sexually assaulted with an electric prod;

(b) Namdol Tenzin, aged 18, from Tsangkung nunnery, arrested twice in 1989 for a total period of five months and held in Gurtsa prison. Her torture included electric shocks applied to fingers;

(c) Puntsok Lamdru, aged 18, from Chubsang nunnery, arrested on 15 October 1989, in Barkhor, together with two other nuns and held in Gurtsa prison for 10 months. The three nuns were allegedly beaten until they were unconscious and sexually assaulted with an electric prod;

(d) Kusang, aged 25, from Ani Tsangkung, arrested in March 1990, and sentenced to one year in prison. She was being held in Gurtsa prison. It was alleged that she was slashed with a knife, choked and tied in contorted positions. It was further alleged that she became insane as a result of beatings at Sangyip following her arrest;

(e) Ani Kalsang Palmo, aged 24, from Shungseb convent, arrested on 17 May 1989 together with several other nuns and monks and held in Gurtsa prison. Her alleged torture included being bitten by a dog, being brutally beaten and sexually assaulted with an electric prod and being deprived of food and medicine for several days.

45. In addition to the aforementioned it was alleged that Lhakpa Tsering aged 20, was tortured to death on 15 December 1990 at Drapchi prison, north of Lhasa. Lhapka Tsering was reportedly arrested on 4 November 1989 for pro-independence activity and was held in Gurtsa prison for several months. It was reported that the other inmates in Drapchi prison had heard him being beaten in his cell and crying out that he was going to be killed. The same sources alleged that the body was seen to "bear many bruise marks". It was reported that a post-mortem was to be conducted, but that the findings had not been published.

46. On 9 May 1991, the Government provided the Special Rapporteur with detailed information concerning two of the persons mentioned in his letter:

(a) Kusang, a Buddhist nun, aged 23, was sentenced to six years' imprisonment and deprived of her political rights for two years, after being convicted of "repeated illegal activities aimed at the division of the fatherland". It was stated that she was in prison serving her sentence, and was in good health. Accusations that Kusang has been tortured or beaten while in prison were dismissed as "sheer nonsense".

(b) La Baciren, referred to above as Lhakpa Tsering, was sentenced on 4 April 1990 to two years' imprisonment, and fell ill on 10 December 1990. The competent Chinese authorities actively arranged treatment for him but his illness was severe and emergency treatment proved ineffectual; he died on 15 December 1990. The Chinese authorities had arranged for experts to conduct a post-mortem, the upshot of which was that he had been suffering from pervasive peritonitis and acute, festering, lethal appendicitis. Mr. Baciren was in prison because he had broken the law, and this was strictly an internal Chinese matter; he died because he had fallen ill and emergency treatment was unavailing. According to the Government, to say he was "beaten to death" was totally without foundation.

47. Regarding the remaining four alleged cases of torture, the Government indicated that inquiries conducted by the competent authorities had concluded they were "pure fabrication".

Colombia

Urgent appeals and Government replies

48. On 9 January 1991, in reply to an urgent message from the Special Rapporteur of 20 July 1990 (E/CN.4/1991/17, para. 47) concerning Juan de Dios Moreno and Licinio Rentería, the Government of Colombia supplied information to the effect that both these persons had been released. However, the reply makes no reference to the allegations of torture.

49. On 26 December 1990 the Special Rapporteur sent an urgent appeal to the Government of Colombia regarding Mr. Rodrigo Guisao, his son Alejandro Guisao, and Efraín N. Higuita, who were arrested on 11 December 1990 by soldiers of the Voltígeros Battalion, who had allegedly raided the homes of banana workers on the Prado Mer plantation, in the Currulao, in the municipality of Turbo, Uraba. On 12 December these persons were reportedly transferred to the battalion's base in Carepa. In view of earlier allegations about torture and ill-treatment of prisoners by members of the Voltígeros Battalion, fears were expressed about the physical integrity of these three people.

50. On 23 January and 13 February 1991 the Government reported that Rodrigo Guisao, Alejandro Guisao and Efraín Higuita had been released without charges and that they had told the Apartadó Provincial Prosecutor that they had suffered no moral, physical or psychological ill-treatment at the hands of the armed forces.

Letters and Government replies

51. On 14 February 1991 the Special Rapporteur sent a letter to the Government of Colombia transmitting information on the following cases of torture which had allegedly occurred during the second half of 1990:

(a) Germán Antonio Parada and Jairo José Jiménez Bautista were reportedly seriously tortured, after being arrested together with other persons on 29 July 1990 by members of the armed forces. Mr. Antonio Parada died and, according to one witness, his body showed signs of wounds and blows. Mr. Jiménez Bautista was released on 3 August 1990 and reported that he had been subjected to torture and ill-treatment, including a mock summary execution which had been staged by a lieutenant of the military base in Los Alpes. He also claimed that he had been compelled to declare before a judicial authority in Arboledas, before being released, that he had not been detained but that he had accompanied the soldiers as a guide of his own free will and that the bruises on his face had been the result of drunkenness 15 days before;

(b) Gabriel Flórez, regional leader of the Asociación Nacional de Usuarios Campesinos, was arrested on 8 September 1990 by members of an army patrol in Montebello, in the municipality of Betulia, Department of Santander. He was held for three days and was allegedly severely tortured;

(c) Carlos Lugo González, a student at the District University, was arrested on 4 October 1990 by police officers, during a demonstration in Bogotá. He was reportedly severely beaten by policemen while he was being taken to the Investigation Centre known as CAI. Afterwards he was taken to Police Post No. 5 and later to the Judicial Investigation Division (DIJIN), where he was not admitted because of multiple injuries, including some to his head. When the case was submitted to the Special Rapporteur, Mr. Lugo was in the Modelo prison, without knowing why he was being held.

Cuba

Urgent appeals and Government replies

52. On 25 September 1991 the Special Rapporteur sent an urgent appeal to the Government of Cuba regarding a former lieutenant in State Security, Alejandro Joaquín Fuentes García, who was arrested during September 1991, after he tried to leave the country by boat from a spot on the north coast of Villaclara. He was taken to the State Security Intelligence Department in Santa Clara and, according to the information received, was badly beaten so that a kidney became detached. Furthermore, some days later, in the provincial prison of Villaclara, he suffered cardiac arrest when he tried unsuccessfully to commit suicide by hanging himself; information has none the less been received that he has been given no proper medical treatment.

53. In a note verbale dated 23 October 1991 the Government stated that Mr. Fuentes García had been arrested on 20 June 1991 when he was planning to leave the country illegally with five other persons and that he was awaiting trial. The Government also said that Mr. Fuentes García had been suffering from a kidney ailment for several years and that, during his detention, he suffered from nephritic colic but at all times received proper medical care and was never ill-treated or tortured.

Letters and Government replies

54. On 6 August 1991 the Special Rapporteur sent a letter to the Government of Cuba transmitting information on the following cases of torture:

(a) Arturo Alvarez Varela, 52 years old, workman, living in Santa Isabel, Jacomino District, San Miguel del Padrón. He was arrested on 27 December 1990 on grounds of "breach of State security" and taken to Detention Centre No. 100 Aldavó of the Technical Investigation Department. There, he was allegedly subjected to torture, including beatings in which his nose was broken; he was also held in cells kept below zero temperatures and in one that was pitch dark. He was then transferred to the Combinado del Este prison. His relatives were allegedly threatened with imprisonment and he himself threatened with worse treatment if either he or his family revealed what had taken place during his detention;

(b) Ramón de Jesús Almoa García was detained in Combinado del Este. On 22 April 1991 he was allegedly badly beaten by military officers;

(c) Calderón Espín, described as a "political prisoner", died on 25 April 1990 in the Amalia Simoni Hospital, in the province of Camagüey. He reportedly died from beatings by a sergeant whose name was transmitted to the Government;

(d) Daniel de Jesús Almoda García, described as a "political prisoner", was allegedly taken on 23 April 1991 to the punishment cells in the "Rectángulo de la Muerte" where he was badly beaten by the staff of the Combinado del Este prison (their nicknames were transmitted to the Government).

55. The Special Rapporteur also transmitted to the Government information received about an incident in which criminals under ordinary law occupied the Nieves Morejón de Sancti Spiritu prison for several hours in protest against the ill-treatment and the hunger of the prison population when food rations were reduced by 50 per cent. It was said that in the attack by the security forces to regain control over the prison several persons died and many were injured. It was also said that, on 16 May 1991, over 100 prisoners showing signs of having been beaten up were confined with their hands and feet tied in cells in the Manacas prison because they took part in the Nieves Morejón prison uprising.

56. In a note verbale dated 23 October 1991 the Government transmitted the following information regarding these cases:

(a) Mr. Arturo Alvarez Varela was detained and tried for various economic offences. He was tried by due process of law and it has been ascertained that at no time was he subjected to any improper treatment by the authorities or officials of the Technical Investigation Department;

(b) Mr. Calderón Espín (Miguel) is currently at the Camagüey prison centre serving a sentence for robbery. Because the information provided is not accurate, it is not certain whether that is the person in question nor can any further investigation be made;

(c) As to Mr. Ramón de Jesús Almoa García and Mr. Daniel de Jesús Almoda García, prison checks reveal no record of anyone corresponding to the general description being imprisoned either in the past or at present.

57. Regarding the events of 15 May 1991 in the Sancti Spíritu prison centre, the Government has said that they took place as a result of personal quarrels among the prisoners who began to attack one another, and subsequently when the prison warders tried to restore order. Some of the prisoners were armed and, in the process of bringing them under control, several were injured and three were killed (José Roberto García Iglesias, Julio Mondeja Alvarez and Eloy Javiel Mata). Five prison warders were also injured.

58. On 18 October 1991 the Special Rapporteur sent a letter to the Government of Cuba transmitting information to the effect that Mrs. Maria Celina Rodríguez, president of the religious association Libertad y Fe, was detained with her three-year-old son on 2 August 1991 by members of the State Security Department and taken to the L and Malecón Police Station. She was subsequently transferred to other State security units and on 8 August was placed in the Havana Psychiatric Hospital, where she was separated from her son. According to the reports, she was held for several days among the mental patients, who constantly insulted and threatened her; in addition she was forced to witness the electric shock treatment given to patients. Information has also been received that the hospital authorities threatened to subject her to similar treatment. She was released at the end of the month.

59. In the same letter the Special Rapporteur also communicated to the Government that he had received two reports of cases of persons who, during the 1970s and 1980s, in particular, had allegedly been held in psychiatric hospitals on political grounds and who had been subjected to various forms of physical and mental torture such as the abuse of electric shock and drug therapy.

60. In a note verbale dated 24 October 1991, the Government said that Mrs. Rodríguez had been held without her son on 2 September 1991 on charges of causing public commotion and that she had remained in custody for only one day. During the proceedings preparatory to the trial, the Prosecutor-General's Office requested that Mrs. Rodríguez should undergo an expert medical examination to determine whether her attitude was caused by psychiatric disorder. The examination was made with her full consent and at present she is completely free and has never been subjected to inhuman or degrading treatment.

61. The Government also said that no form of physical or mental abuse is practised in the Republic of Cuba and that the law stipulates harsh penalties for any officials or authorities who commit such offences. In addition, psychiatric treatment is given in accordance with the relevant professional standards of mental health and with the consent of the person concerned.

Djibouti

Letters and Government replies

62. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Djibouti transmitting information to the effect that several people who had been arrested between 9 and 11 January 1991 in Djibouti City were allegedly tortured in detention. Their names and positions are reported as follows:

Abdel-Kader, police officer; Afada, army sergeant; Ahmed Mohamed Badri, non-commissioned officer; Hassan Kader Dileyta, security officer; Mohamed Ahmed Dini, army officer; Hassan Ali Horsa; Bourhan Mohamed Houmed ("Barisso"); Cheicko Mohamed, private.

63. These persons, who are all members of the Afar community, were among the 100 people who were reportedly arrested shortly after an armed attack on 8 January 1991 on a military barracks in Tadjourah. They were reportedly tortured while they were being held without charges by the security forces. According to the source, in the past persons detained on political grounds were subjected to such tortures as electric shocks, being held in a cell filled with water, strung up from a horizontal bar and beaten (a method known as "the swing"), having a bottle full of water tied to the testicles and a bottle inserted in the anus.

64. On 10 June 1991 the Government replied and denied the allegations of torture, providing information on each of the cases mentioned in the Special Rapporteur's letter, including the exact identity of the persons listed and details about their supposed involvement in the plot. The following information was provided:

(a) Abdel Kader (Lieutenant Abdoulkader Mohammed Abass): At no time was he subjected to cruel or degrading treatment nor did he ask to be examined by a doctor either before or after he was charged. He is being held in the Damenjog camp, where he is allowed visits from members of his family;

(b) Mohamed Ibrahim Afada: At no time was he subjected to physical abuse nor did he request a medical examination. He was released on bail on 14 April 1991;

(c) Ahmed Mohamed Badri: According to the Government, no charges have been brought against such a person. His real name could well be Ahmed Mohamed Houmed, who did not at any time inform the examining judge of any cruel or ill-treatment and never requested a medical examination. He was released after charges were brought against him;

(d) Hassan Kader Dilleyta: According to the Government, no charges have been brought against such a person. His real name could well be Abdoulkader Dilleyta Ougoureh, who was arrested on 18 January 1991 and is being held in the Idriss Farah Abaneh Centre in Nagade and is allowed to be visited by his family. In a letter dated 28 January 1991 to the examining judge, Abdoulkader Dilleyta Ougoureh and 15 other accused persons denounced the physical cruelty to which they were being subjected while in custody. They were examined by three doctors at the request of the examining judge and the medical certificate given after the defendant was examined did not reveal any visible injuries or any functional disability (a copy of the certificate is attached);

(e) Mohamed Ahmed Dini: According to the Government, no charges were brought against such a person. His real name could well be Mohamed Ahmed Omar, who did not at any time complain of physical cruelty nor did he request a medical examination. A committal order was issued on 19 January 1991 and he was released on bail on 14 April 1991. (The person in question might

also be a warrant officer named Ahmed Dini Moyaled who claimed that he made his confession under pressure from his superior officers. At no time did he complain of physical abuse nor did he request a medical examination. He is being held in the civilian prison in Gabode);

(f) Hassan Ali Harsa: According to the Government no charges were brought against this person, whose real identity could well be that of Hassan Ali Arras. At no time did he complain of physical abuse nor did he request a medical examination. He was released after charges were brought against him;

(g) Bourhan Mohamed Houmed (Barisso): A committal order was issued on 18 January 1991 and he was released on bail on 1 April 1991. At no time did he complain of ill-treatment nor did he request a medical examination. His name is on the list of the 15 defendants who complained of ill-treatment and Bourhan Mohamed Bourhan made a point of informing the examining magistrate that he had been misled (a copy of the letter is attached) and that he had not signed the complaint. However, he was given a medical examination at the request of the examining judge but it revealed no physical injury (a copy of the certificate is attached);

(h) Cheiko Mohamed (Cheikho Mohamed Ali): A committal order was issued on 18 January 1991 and he was released on bail on 14 April 1991. At no time did he complain of physical brutality or ill-treatment nor did he request a medical examination.

65. The Government further stated that the medical certificates (copies attached) issued at the request of the examining magistrate for the 14 accused people concerned did not firmly establish that brutality had been used.

Dominican Republic

Letters

66. On 6 August 1991 the Special Rapporteur sent a letter to the Government of the Dominican Republic transmitting information received to the effect that Mr. Joubert Pierre, 19 years of age, a Haitian citizen, was detained by police officers on 20 April 1990 at his home in Boca Chica and charged with stealing a butane gas cylinder. He was taken first to the police post in Andrés Boca Chica and then to the general police headquarters in Boca Chica. On 24 April Mr. Pierre, complained to visitors that he had been severely tortured by policemen. Subsequently, when his mother went to visit him the police said that her son had been transferred to the Doctor Luis Aybal Hospital; however, when she went to the hospital she was told that her son was not there. His body was later identified in a morgue by his mother and an official of the Haitian Embassy in the Dominican Republic.

Ecuador

Letters and Government replies

67. On 14 February 1991 the Special Rapporteur sent a letter to the Government of Ecuador transmitting information received to the effect that

there had been cases of torture in Ecuador in 1989 and 1990. Most of the prisoners alleged to have been subjected to torture or ill-treatment were persons suspected of offences under ordinary law, but complaints were also received about cases of torture and ill-treatment in which the victims were members of the armed forces. Most of the reports claim that the Criminal Investigation Department of the Province of Pichincha was responsible. Some regional police and local INTERPOL (the international branch of the police) units were also reported as being involved. Information has also been submitted to the effect that the administration of the prisons in Quito had complained to the Government about the physical condition of some of the prisoners after they had been questioned by the police. The methods of torture included being beaten and kicked while hung up by the wrists or thumbs; beatings on the soles of the feet, covering the head with bags containing tear-gas and causing near-suffocation; and applying electric shocks to sensitive parts of the body. In some cases, persons held by the police allegedly died as a result of torture, specifically the following:

(a) Selfido Ilves Camacho, arrested on 7 May 1989 in Caluma, province of Bolívar, by persons in civilian clothing (members of a group for the prevention of cattle theft) and one police officer, and taken to the Rural Police Detachment of the police in town;

(b) Gonzalo Quintero Mina, arrested in July 1989 in Nueva Loja, province of Sucumbios, by members of the National Police and taken to the police barracks in town;

(c) Segundo Chimbay Zhinin, arrested on 30 August 1989 in Cuenca, province of Azuay, and taken first to criminal investigation headquarters in Azuay and subsequently to the headquarters in Azogues.

68. Information was also transmitted to the Government about the following cases of persons allegedly tortured after being arrested on the dates shown in brackets after their names: Cesario Chaguay Vargas (4 October 1989); Carlos Alberto Juela Molina (21 December 1989); Saulo Cuesta (24 February 1989); Mariana Ayora (14 October 1989); Marta Pérez (14 October 1989); Héctor Mejía (19 June 1989); Segundo Cajilama Chávez (19 June 1989); Segundo Criollo Chávez (19 June 1989); Nicolás Paguay Cuvi (19 June 1989); Carlos Chicaiza Naranjo (19 June 1989); Segundo Yanacallo Guamán (19 June 1989); Gerardo Tascón (28 June 1989); Manuel Mesías Maiques (28 February 1989); Juan Francisco Roca Ospina (7 March 1989); Leonor Estupiñán (15 June 1989); Liliana Ortiz de Estupiñán (15 June 1989); Dora Lilia Coral (15 June 1989); Jeanette Estupiñán (15 June 1989); Claudia Ruiz Morales (15 June 1989).

69. The following cases relate to members of the armed forces who were allegedly subjected to torture:

(a) Marco Antonio Espín López, 26 years of age, member of the Transmisiones Batallón of Rumiñahui, Quito. Accused of smoking marijuana. On 20 February 1990, after denying the charge, he was reportedly taken to the Atahualpa Military Fort and tortured, and electric shocks were even applied to his genital organs and other parts of his body;

(b) Héctor Roberto Manotoa, 20 years of age, a conscript in the Eloy Alfaro Military School of Quito. On 17 May 1990 he was questioned along with other conscripts for the alleged theft of a recorder. The conscripts were forced into a water tank in which electric wires had been placed and caused shocks. A lieutenant was also reported to have beaten Manotoa. He remained in a military hospital for seven days to recover from his injuries;

(c) Guido Israel Joyos, a soldier 23 years of age, was arrested on 23 May 1989 and charged with leaking confidential information to subversive groups, stealing two rifles and deserting from the army. For 36 days he was allegedly kept inside a metal container exposed to the sun and beaten up. During his trial he disavowed the confessions that he had made during the interrogations and claimed that they had been extracted from him under torture.

70. In letters dated 26 March and 6 May 1991 the Government repeated its desire to cooperate with the Special Rapporteur and provided the following information on the cases transmitted on 14 February 1991:

(a) Regarding the cases of Silfrido Ilves Camacho, Segundo Chimbay Zhinin, Gonzalo Quintero Mina and Carlos Alberto Juela Molina, proceedings were instituted against the policemen charged with ill-treating these persons;

(b) In the cases of Héctor Mejía, Segundo Cajilema, Segundo Criollo, Nicolás Paguay, Carlos Chicaiza, Segunda Guamacayo, Mariana Ayora, Martha Pérez, Gerardo Tascán, Juan Francisco Roca Ospina, Leonor Estupiñán, Liliana Ortíz, Dora Lilia Coral, Jeanette Estupiñán and Claudia Ruiz Morales, the complaints of ill-treatment are being investigated by the competent legal authorities;

(c) In the cases of Saulo Cuesta, Cesáreo Chaguay Vargas and Manuel Mesías Naiquez, the Government made reference to the criminal trials in which these persons appear involved but makes no mention of any inquiry into ill-treatment;

(d) Guido Israel Hoyos Toscano was visited in custody, at the request of relatives, by a Red Cross doctor, who found no evidence whatever of ill-treatment; the Court of Constitutional Guarantees declared itself incompetent to try the case and ordered the documents filed away;

(e) In the case of Antonio Espín López there was no report of ill-treatment or of unjustified detention;

(f) In the case of Roberto Manota Manota, the Government stated that legal proceedings have been instituted against the persons involved in the ill-treatment.

71. In a letter dated 18 October 1991 the Special Rapporteur transmitted to the Government information on the cases of the following persons who were also alleged to have been tortured:

(a) José María Cabascango, secretary of the Confederation of Indigenous Nationalities of Ecuador, and other indigenous community leaders were allegedly arrested by army personnel on 11 June 1991 in Cajas, province of Imbabura and taken to Ibarra and handed over to the Criminal Investigation Department;

(b) Isaac Rómulo Bustos Bermúdez was allegedly arrested by members of the Criminal Investigation Department on 28 February 1991 and held incommunicado for several days on police premises in Babahoyo, province of Los Ríos.

Egypt

Urgent appeals and Government replies

72. On 2 January 1991 the Special Rapporteur sent an urgent appeal to the Government of Egypt concerning Mustafa Mohammad Said Al-Sharqawi and Mohammad Hussein Mohammad Ibrahim Sallam, reportedly arrested at the end of September 1990, and Hassan Mohammad Isam'Il Mohammad, reportedly arrested in October 1990, allegedly for having converted from Islam to Christianity. Mustafa Mohammad Said Al-Sharqawi was said to be held at abu Za'Abal prison, while the other two men were said to be detained at the State Security Intelligence Police (SSIP) detention centre in Heliopolis. It was alleged that these persons had been subjected to torture and that two of them had appeared at a court hearing on 16 December 1990 in bad physical condition, allegedly suffering from hunger and the effects of continuing torture.

73. On 11 February 1991 the Special Rapporteur sent an urgent appeal to the Government of Egypt concerning Dr. Muhammad Abdul Latif Tala'at, a medical doctor and director of a publishing company, who was arrested on 23 January 1991 and whose whereabouts were unknown. The arrest followed the publishing by Dr. Tala'at's company of a statement by the Egyptian Medical Association critical of the attacks by the allied forces on Iraq. Dr. Tala'at had reportedly been arrested in June 1989 and detained for three months, during which time he was allegedly subjected to torture, including electric shocks and threats of sexual abuse. Fears were expressed that, in light of his past experience, he might be subjected to physical and psychological torture or ill-treatment.

74. On 19 February 1991 the Special Rapporteur sent an urgent appeal to the Government of Egypt concerning Dr. Mohamed Mandour and Dr. Emad Atrees. Dr. Mandour, a psychiatrist and member of the Board of Trustees of the Egyptian Organization for Human Rights (EOHR), was arrested on 8 February 1991. The date of arrest of Dr. Atrees was not given, but both were reportedly being held at the State Security Headquarters known as Lazoghli. Their arrest, under administrative detention orders, as well as that of several other persons, including university students and Palestinians, was reportedly connected with their activity as opponents of the Gulf war. In the light of reports in the past that people detained under similar circumstances were allegedly subjected to torture, fears were expressed that the safety and physical integrity of the aforementioned persons might be in danger.

75. On 5 March 1991 the Special Rapporteur sent an urgent appeal to the Government of Egypt concerning Hamdeen Sabahi, a journalist and political activist who was arrested on 26 February 1991 by the Egyptian State Security

Intelligence under an administrative detention order. His place of detention was not reported. The arrest followed a speech opposing the Gulf war, made on 24 February 1991 by Mr. Sabahi at a student conference at Cairo University. In the light of recent reports that people detained under similar circumstances were allegedly subjected to torture, fears were expressed that Mr. Sabahi might be interrogated under torture.

76. On 23 September 1991 the Special Rapporteur sent an urgent appeal to the Government of Egypt concerning Mohammad Al-Sayyid Al-Sayyid Higazi, a 29-year-old Arabic teacher and a graduate of Cairo University who was arrested on 18 August 1991 in Bulaq Al-Dakrur, Giza, and taken to the State Security Intelligence, Doqqi Branch (Cairo). He had reportedly been arrested on several occasions in the past and held in detention for long periods without charge or trial. In the light of previous reports according to which people detained under similar circumstances were allegedly subjected to torture, fears were expressed that his safety and physical integrity might be endangered.

77. Concerning this latter case, on 19 November 1991 the Government replied that Mr. Mohammad Al-Sayyid Al-Sayyid Higazi had been questioned and placed under arrest on 18 August 1991 for security reasons, but had been released on 15 September 1991. On 16 September 1991 the senior officials of the State Security Department ordered provisional arrest in connection with case No. 476/91 concerning State security, on charges of "forming a secret unlawful organization".

Letters and Government replies

78. On 27 November 1990 the Special Rapporteur sent a letter to the Government of Egypt transmitting information on the following cases of alleged torture:

(a) Muhammad Ahmed Abu Khoukh was arrested in April 1990 and taken to the Damietta Security Directorate Prison. He was allegedly blindfolded and beaten with his hands bound behind him, and was persistently threatened with sexual abuse. He remained in detention for three months and then he was released, without any charge being filed against him;

(b) Khaled esh-Sherif, a journalist working for the weekly magazine Al Hakika (regarding whom the Special Rapporteur sent an urgent appeal on 14 September 1990), was arrested on 19 August 1990 and taken to the State Security Centre at Giza. He was then transferred to the State Security Intelligence Police (SSIP) Centre at Lazoghli, where he was allegedly severely tortured. He was allegedly again tortured at the same centre following a short period of detention at the Tora Reception Prison. It was reported that lawyers who visited him at Tora prison affirmed that he had scars from electric shocks on his chest, burns from cigarettes on his hands and legs, and that he was suffering from stiffness in his hands due to suspension. It was further reported that the Niyaba (State Security Procuracy) had recorded these signs and ordered his referral to the Forensic Medical Office, but it was not known whether an examination had been made;

(c) Mustafa Said Al-Sharkawi and Muhammad Hasanin Muhammad, arrested on 28 September 1990, together with Hasan Muhammad Ismail and Ahmed Mustafa Hamouda. Messrs. Al-Sharkawi and Muhammad were taken to the State Security Headquarters in Cairo where they were allegedly tortured, including by beatings, suspension by their hands tied behind their backs, electric shocks and threats of rape. Mr. Al-Sharkawi was alleged to have been tortured on three occasions, on 29 and 30 September and on 2 October 1990.

79. On 27 December 1990 the Government of Egypt replied by submitting several "notes containing clarifications to the allegations of practices of torture". One note contained information and clarifications in response to requests made by the United Nations Committee Against Torture. A second one contained information in response to a request made by the Working Group on Enforced or Involuntary Disappearances. A third note concerned the alleged persecution of Copts in Egypt. A fourth document was a copy of a letter from the Ministry of the Interior to the Ministry of Foreign Affairs regarding Khaled esh-Sherif, one of the persons mentioned in the Special Rapporteur's letter. It was stated that that person had been arrested on the basis of information concerning his involvement with members of the extremist "Jihad" organization, who had been indicted. The Department of Public Prosecutions decided to release him and this decision was put into effect on 27 September 1990. No details were given about his state of health, or about the detailed torture allegations made regarding him, and the other three persons mentioned in the Special Rapporteur's letter.

80. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Egypt transmitting information alleging that the occurrence of torture in the country had increased during 1990. Most alleged torture victims were members of fundamentalist Islamic groups in opposition to the Egyptian Government. Most cases of alleged torture were said to have occurred during interrogations held in the State Security Information Centre at Lazoghli, Cairo, and were said to have been perpetrated by officers of the State Security Information Police. Alleged methods of torture included severe beating, using whips, rifle butts, clubs and wire; being bound with chains and hung from walls and ceilings; application of electric shocks to the genitals and other sensitive areas of the body; sexual abuse; and psychological abuse, such as threats and intimidations for the purpose of extracting confessions.

81. Reports received indicated that several persons had been arrested and charged with participating in the assassination of the Speaker of the People's Assembly, Rifa'at al-Mahgoub. They included Mamdouh Ali Youssef, Safwat Abd al-Ghani, Muhammed Ahmad al-Ghani, Azzat Hussein Ali, Abd al Nasser Nouh Ahmad, Assem Ali al Sayyid 'Othman, Adel Ali Musallam, Ahmad Mostafa Zaki, Muhammad Mostafa Zaki, Abu al-Makarim and Abd al-Rahman. The State Security Procuracy has reportedly taken note of physical signs of torture on all 10 men. Mamdouh Ali Youssef had allegedly received a spinal injury and was brought to his interrogation on a stretcher.

82. The Special Rapporteur also brought to the Government's attention several cases of persons who were allegedly tortured at police stations. Some of the cases were said to have been reported in the Egyptian press. The persons concerned were Hamdy al-Nazeely, Ashraf Abdel Moneim Sharsher, Abdel Hamid Ratib, Salem Ibrahim, Mirvat Abdel Hamid, Ashraf Nassar,

Ashraf Mahmoud and Sayed Abdel Razzek. The following two persons were said to have died as a result of torture: Ibrahim Mahrous Abu Donyia and Maher Mohammed Youssef.

83. In addition to the aforementioned, the Special Rapporteur transmitted to the Government information he had received concerning Dr. Mohamed Mandour, regarding whom a telegram had been sent to the Minister for Foreign Affairs on 19 February 1991, appealing to him to ensure that Dr. Mandour's right to physical and mental integrity was protected. According to that information Dr. Mandour had been released on 23 February 1991. During his detention at the Lazoghli State Security Headquarters Dr. Mandour had been severely tortured, including through the use of suspension, beatings and electric shocks.

84. On 18 October 1991 the Special Rapporteur sent a letter to the Government of Egypt transmitting information according to which torture and ill-treatment were routine methods of discipline, punishment and the extraction of confessions in the Tora district prisons, in particular Tora Istikbal prison; visits and letters from prisoners' families were constantly delayed and hindered, allegedly in order to let torture injuries heal before they were seen. It was also reported that the Egyptian authorities had been misusing the emergency law against peaceful political opposition, despite their claims that the emergency law was used only against terrorist activities and armed opposition. The case of Afifi Matlar was reported in particular. This person, a poet and member of the Arab Journalists' Federation and the Egyptian Writers' Federation, was arrested on 2 March 1991 and taken to the Cairo headquarters of the State Security Intelligence (SSI) at Lazoghli. While in police custody, he was allegedly kept blindfolded and handcuffed in order to make him confess ties with a Baathist political organization, and was allegedly tortured by the application of electric shocks, hanging by the wrists and indiscriminate beating with a solid object on the head and various parts of the body. On 11 March 1991, he was reportedly transferred to Tora Istikbal prison where lawyers, as members of the Egyptian Organization for Human Rights (EOHR), were at first prevented from visiting him. When three representatives of EOHR finally were able to visit him, they reportedly noted signs of torture on his body, including haematoma on the nose and wrists, and signs of injuries that were still healing. It was further indicated that EOHR submitted an official complaint to the Public Prosecutor, calling for Mr. Matlar's release and the prosecution of those responsible for his torture. It was not reported whether an inquiry had been carried out into the above-mentioned allegations.

85. Information was also transmitted according to which the State Security Court trying the case of the assassination of the former Speaker of Parliament, Dr. Rifa'at al-Mahgoub (see para. 81 above), had charged one of its members to investigate the torture allegations made by the defendants in the case before the public prosecution. According to the defendants' testimony, the torture methods used upon them included the application of electric shocks to sensitive parts of the body, hanging for long periods of time, beating with whips and thick wooden sticks, and the detention and ill-treatment of a number of the defendants' wives. In this connection in particular, information was received by the Special Rapporteur on the torture and attempted rape of the wife of the detainee Mamdouh Ali Yusuf by members of the State Security Police, who tried to force her to divulge information

concerning her husband's involvement in the assassination of Dr. al-Mahgoub. Apparently she was pregnant and, as a result of the torture, suffered a miscarriage.

86. On 24 October 1991 the Government informed the Special Rapporteur, with respect to the case of Mr. Afifi Matlar, that a warrant of arrest had been issued on 20 March 1991 for his involvement in clandestine opposition activities for the benefit of a foreign State. Mr. Afifi Matar admitted the charges and revealed the extent of his activity, as well as the stages of his recruitment in the service of that foreign State. For personal reasons, he refused to allow anyone other than three of his friends to visit him in prison. He expressed awareness of the need for his national and ideological rehabilitation and it was therefore decided to release him on 9 May 1991. Neither Mr. Afifi Matlar nor any of his visitors or relatives made any statements to the judicial authorities concerning his subjection to torture or ill-treatment during or after his detention in prison.

El Salvador

Letters and Government replies

87. On 17 April 1991 the Special Rapporteur sent a letter to the Government of El Salvador transmitting information received about cases of 97 persons said to have been tortured and ill-treated in the period November 1989 to October 1990.

88. According to the information, three types of torture were used in the cases in question: physical torture, such as blows to various parts of the body, near-suffocation, near-strangulation, forcible exercises, electric shocks and burns; physical and mental torture such as nakedness, deprivation of sleep, refusal to supply food, being forced to eat rotting food, forcible retention in the case of bodily needs, use of drugs, rape; and mental torture such as threats, verbal aggression, mock executions, being placed in isolation, and being forced to hear other people tortured.

89. It was also reported that torture was systematically used in the armed forces and State security agencies to obtain information by interrogation and to spread terror among the civilian population. It was reportedly used during or after arrest and, at other times, outside official premises and not in connection with detention. Torture was also more easily used because the guilty were not investigated, tried and punished.

90. The names of the persons whose cases were transmitted to the Government together with the date of arrest or presumed torture are: Cecilio Hernández Ramirez (13 November 1989); Oscar Saúl Amaya Cruz (20 November 1989); Felix Portillo Peña (21 November 1989); Francisco Martín Fuentes (22 November 1989); Fernando Cartagena Dueñas (25 November 1989); Mateo David Sánchez Elias (29 November 1989); José Ernesto Guerra González (14 December 1989); Isidro Vásquez Alfaro (14 December 1989); Miguel Angel Pineda Pineda (18 December 1989); Cándida Rosa Rivera Rugamas (29 December 1989); Ana Sofía Rivera (29 December 1989); Carlos Antonio Rivera (29 December 1989); Pablo Salvador Cárcamo Centeno (29 December 1989);

Pascual José Guevara Menjívar (6 January 1990); Narciso de Jesús Zavala Medrano (14 January 1990); Carmen Antonio Chilin (10 February 1990); Juan Gilberto Méndez Vásquez (10 February 1990); Aníbal García Argueta (17 February 1990); Fernando Gaitán Segovia (17 February 1990); Manuel Jiménez (17 February 1990); Elvis Gustavo Lovato Rivera (18 February 1990); Vitelio Romero (2 March 1990); Salvador Pineda (2 March 1990); Juan José René Vásquez (6 March 1990); Miguel Angel Valencia (6 March 1990); Jorge Gálvez (13 March 1990); José Lucio Argueta Flores (27 March 1990); Olidio Flores Hernández (28 March 1990); Luis Alonso Zelaya García (28 March 1990); Flor de María Hernández Rivas (30 March 1990); Carlos Arturo Huezo (13 April 1990); Marcos Alberto Huezo Guzmán (13 April 1990); José Santos Tobar Escobar (4 May 1990); Lorena Angélica Guzmán (17 May 1990); Manual Ramos (17 May 1990); Flor Esmeralda Tejada (17 May 1990); Mayra Marlene Ramos (17 May 1990); Roxana Ramos (17 May 1990); Mauro Hernández Ramos (17 May 1990); Eleuterio Blanco (17 May 1990); Miguel Angel Beltrán (17 May 1990); María Rufina Vásquez (17 May 1990); Teodora Alicia López (17 May 1990); Nelson Edgardo López (17 May 1990); Aquilino Flores Hernández (18 May 1990); Guillermo Rivas Soriano (28 May 1990); Fredy Rivas (28 May 1990); Efrain Ruiz Quintanilla (6 November 1989); Luis Alonso Argueta (10 November 1989); Esperanza Garcia Valencia (10 November 1989); Daila Guadalupe García (10 November 1989); Jorge Alberto Calderón Fuentes (11 November 1989); José Mariano Hernández Nolasco (13 November 1989); Rosa Portillo (15 November 1989); José Erasmo Montecino (22 November 1989); Antonio Heriberto Hernández (30 November 1989); José Dimas Echeverría (5 December 1989); Carlos Ernesto Morales Carbonell (10 December 1989); Dolores López Hernández (12 December 1989); Miguel Hernández Recinos (17 December 1989); Oscar Armando García Jiménez (20 December 1989); Héctor Manuel Zapata Alvarez (19 January 1990); Víctor Manuel de Jesús Guitérrez M. (1 February 1990); Juan Castro Martínez (2 February 1990); Luis Antonio Chacón (2 February 1990); Oscar Antonio Leiva Hernández (10 February 1990); Juan Javier Córdova Mejia (11 February 1990); Abel Dubón Chavarría (11 February 1990); Vicente Sánchez Flores (3 March 1990); José Antonio Coreas (16 April 1990); Carlos Enrique Figueroa Escobar (17 April 1990); Luis Alonso Gómez López (20 April 1990); Rosa Alfaro (26 April 1990); Mauricio Gabriel Barrera Ardón (1 May 1989); María Dolores Rivas Quintanilla (14 May 1990); Juan Francisco Ruano López (9 June 1989); Carlos Alfredo Quintanilla Henríquez (30 June 1990); Oscar Armando Luna Martínez (30 June 1990); José Oscar Medrano Orellana (5 July 1990); Carlos Arturo López Ocampo (7 July 1990); Saturnino de Jesús Mejía (9 July 1990); José Mauricio Menjívar Menjívar (15 July 1990); Alfredo Octaviano Andrade (16 July 1990); Raúl Martínez (18 July 1990); Ramón Ventura Bonilla (21 July 1990); Mauricio Girón Salgado (21 July 1990); María Guadalupe Castro Hernández (26 July 1990); Gumercindo Rosales Umaña (26 July 1990); Ever Antonio Vargas Miranda (27 July 1990); Balvino Vásquez (27 July 1990); Juan Ramos Flores (19 August 1990); José Anenias Ramírez Sánchez (2 August 1990); Herson Alfredo Rivera García (9 September 1990); José Roldán Tobar Melgar (29 September 1990); Leocadio Martín Sasi Raón (5 October 1990); Ana Silvia Rivera García (5 October 1990); Román Alvarado Alberto (10 October 1990).

91. The Government replied in a letter dated 16 October 1991 stating in the cases of José Roldán Tobar Melgar, Vicente Sánchez Flores, Luis Alonso Zelaya García, Aquilino Flores Hernández and Flor de María Hernández Rivas that they had been arrested on suspicion of belonging to terrorist groups. However, they had then been released and, when interviewed by delegates of the Commission on Human Rights, said that they had not been subjected to torture.

92. The Government also referred to the cases of José Oscar Medrano Orellana, Carlos Arturo Huezo Guzmán, Esperanza García Valencia, Luis Alonso Argueta, David Mateo Sánchez Elias, Fernando Cartagena Dueñas, Rosa Portillo Hernández, José Alberto Calderón Fuentes, Ramón Ventura Bonilla, José Erasmo Montesinos Pineda, Jorge Gálvez, José Mauricio Menjívar, Saturnino de Jesús Mejía and Juan Gilberto Méndez. It said that these persons had been arrested and were later released; however, they had not been interviewed by delegates of the Commission on Human Rights before being released. The reply makes no mention of the complaints of ill-treatment.

93. In a letter dated 18 October 1991 the Special Rapporteur transmitted to the Government of El Salvador information received about cases of torture said to have taken place in the last months of 1990 and the first half of 1991. In each case, torture was said to have been used in connection with arrests on political grounds by the police or by military units. The following cases, in particular, were transmitted:

(a) Vidal Ernesto Figueroa Henríquez, arrested in San Miguel on 14 March 1991 by members of the Treasury Police;

(b) Tomás de Jesús Palacios, arrested on 3 April 1991 and transferred to the National Police in San Vicente;

(c) Héctor Samuel Ramos Argueta, arrested on 14 March 1991 by members of the Treasury Police and transferred to the central barracks in San Miguel;

(d) Basilio Chicas Majía, arrested on 19 February 1991 and taken to Military Detachment No. 4, Department of Morazán;

(e) José Alberto Escobar López, arrested by policemen on 10 December 1991 and taken to the Ilobasco barracks;

(f) Jose Vidal Barrera Pereira, arrested on 14 March 1991 by members of the Treasury Police in San Miguel;

(g) Jorge Antonio Díaz García, arrested on 26 May 1991 by members of the National Guard in Colonia Santa Marta, San Sebastián district, Delgado, Department of San Salvador;

(h) Manuel de Jesús Molina Gómez, arrested on 15 January 1991 by members of the National Police in San Salvador;

(i) Teófilo Wilfredo Mejía Castro, from Acajutla, Department of Sonsonate, arrested by soldiers on 5 July 1991.

94. The Special Rapporteur also transmitted information about the reported arrest and torture between 10 May and 6 June 1991 of approximately 50 persons from communities in the areas of Yamabal, Sensembra and Guatajiagua, in the Department of Marazán; it was maintained that the persons responsible were members of Military Detachment No. 4 (DM-4) at San Francisco Gotera, and the Third Infantry Brigade in San Miguel. Special emphasis was placed on the cases of Ambrosio Amaya, arrested on 5 June 1991; Rumaldo Jurado Argueta, arrested on 5 June 1991; and Bernabé Fuentes Hernández, arrested on 6 June 1991.

Equatorial Guinea

Urgent appeals and Government replies

95. On 29 November 1990 the Government of Equatorial Guinea sent the Special Rapporteur a sworn statement in response to his appeal of 6 July 1990 (E/CN.4/1991/17, para. 67) in connection with the situation regarding Juan Eyeme Maye, former national delegate of the National Security Institute (INESCO). In the statement Mr. Nguema Maye said that, while he was being held by the police in April 1990 he was never subjected to ill-treatment nor did he suffer any torture. Indeed, matters were made very easy for him, and he received visits from relatives and friends at any time of the day. In addition, he was never at the Bata prison, as stated in the appeal.

96. On 24 October 1991 the Special Rapporteur sent an urgent appeal to the Government of Equatorial Guinea concerning Mr. Gabino Obiang Ela Abeme, said to have been arrested on 5 August 1991 in Nfulayong-Esandon, Añisok district, province of Wele-Nzas, by soldiers and members of the Moroccan Guard. According to the information received, when he was arrested Mr. Ela Abeme was tortured brutally before being taken to a prison in Bata. In view of his age (62) and his delicate state of health, fears were expressed about his physical integrity and the fact that he might still be subjected to ill-treatment.

97. In a letter dated 8 November 1991 the Government said that Mr. Obiang Elá had been held for a few days by the police in Bata because he had been found to be in possession of propaganda classed as unlawful by the competent authorities. Although this was true, Mr. Obiang Elá had been released without charges being brought against him.

Ethiopia

Urgent appeals

98. On 1 May 1991 the Special Rapporteur sent an urgent appeal to the Government of Ethiopia concerning the following persons who were arrested in Asmara or in Keren (Eritrea) between September 1990 and February 1991: Belew Gebre-Medhin, Fituwi Asres, Gebre-Hawariat Keshi Andekial, Kidane Gebray, Russom Fissehatsion, Tsegay Gebre-Tinsae, Tsehay Mogos, Yasin Saleh Ismail, Yemane Seyoum Brei, Al-Amin Mohamed Sheikh Nur, Bakhiet Maibetot, Hassen Osman Djal, Stefanos Wolde-Ghiorgis, Suleiman Abbas (first Secretary of the Official Workers Party of Ethiopia in Keren) and Yasin Mohamed Attay (Chief of Mensa

Ethnic Group). It was alleged that prisoners held in Asmara were usually held incommunicado at the Mariam Ghimbi security prison and were often subjected to torture while being interrogated.

Greece

Urgent appeals and Government replies

99. On 19 February 1991 the Special Rapporteur sent an urgent appeal to the Government of Greece concerning Halit Yalcin, a Turkish national who had been arrested on 21 January 1991 by Narcotic Branch agents of the Athens Police, together with another Turkish national, Suleyman Akyar, who died on 29 January 1991 in the Flat hospital, allegedly as a result of serious blows inflicted by police during interrogation. In the light of these circumstances fears had been expressed that Mr. Yalcin might be interrogated under torture and that his physical integrity, and even his life, might be in danger.

100. On 15 March 1991 the Government provided information concerning the two persons mentioned in the Special Rapporteur's appeal and the charges against them. Regarding Halit Yalcin, it was stated that no ill-treatment whatsoever, had ever been reported to the police. On the contrary, during interrogation under oath, on 5 February 1991, while in police custody, Mr. Yalcin never complained of or hinted at having been tortured. Consequently fears expressed that he might be interrogated under torture were groundless. Suleiman Akyar, had tried to attack a police officer following his arrest on 21 January 1991, and had been overpowered by other officers who handcuffed him. He then ran amok and knocked his head on the ground. At midnight, while he was being kept in custody in an office of the Narcotics Branch, Suleiman Akyar felt ill all of a sudden and informed his guard accordingly. He later lost consciousness. He was immediately transported by ambulance to the Red Cross hospital where he was given first aid. Hence, he was transported to the K.A.T. hospital in Kifissia (hospital for emergency cases) where he was kept for treatment of the wounds caused by his clash with the policemen. On 25 January 1991, his condition improved and he was able to be removed from the artificial breathing unit. Though his condition was progressing in a satisfactory manner, on 28 February it seriously deteriorated and Akyar Suleiman died the following day at 3.00 p.m. His body was transported to the morgue. The post-mortem examination established that death occurred as a result of pneumonia. While in police custody, Akyar Suleiman was seen by Halit Yalcin who pointed out that he had seen Akyar at the police station, that he looked tired and unwell, but showed no signs of injury. He also stressed that neither had he seen nor had been informed about Akyar being tortured by policemen, either on or outside police premises. The Government added that the judicial authorities had already been involved and a preliminary investigation was being carried out.

Letters

101. On 18 October 1991 the Special Rapporteur sent a letter to the Government of Greece transmitting information on the following cases:

(a) Liam de Clair, an Irish citizen, was arrested on 17 July 1990 and taken to Ios police station in connection with a forgery case. While in police custody, he was allegedly beaten with fists and batons, kicked, hit about the face, head and body, and threatened with sexual assault. His head was banged on desks, chairs and filing cabinets in an attempt to make him sign a confession. According to the source, he was also locked in a shed outside the police station without food and water, was denied access to a lawyer and was forced to sign a statement in Greek, which he did not fully understand. The information further indicated that Liam de Clair was examined at Naxos and Chios hospitals and was given a medical report certifying bruising.

(b) Police from Z security police station in Athens allegedly broke the left arm of Emmanouil Kasapakis and beat his head with a club, at his home in Athens in the early hours of 23 September 1990. It was also reported that a medical examination took place at the Athens District General Hospital and the subsequent report certified injuries to the head requiring stitching, resulting in concussion and amnesia, as well as injuries to the left hand. According to the information received, Emmanouil Kasapakis lodged a complaint against the police of Z security police station, and sued the officers concerned, citing grievous bodily harm, dangerous bodily harm, threats and damage to property.

(c) Kostas Andreadis was allegedly subjected to falanga (beating on the soles of the feet) and electric shocks after being taken into detention on 23 March 1990 on suspicion of being a member of the "Vigilant Anarchists" organization. According to the source, a medical report from the Thessaloniki Forensic Medical Department dated 28 March certified bruising to the balls of both feet.

Guatemala

Letters and Government replies

102. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Guatemala transmitting information on the following cases:

(a) Julio Rodríguez and Edgar Villatoro, peasants from El Tumbo and Buena Vista, municipality of Sagaxché, El Petén, arrested on 15 July 1990 and allegedly subjected to torture at the Hacienda La Anchura. As a result, their health has been affected;

(b) Rosa María López Monzón, reportedly arrested on 31 October 1990 and tortured at the National Police Station in Colonia Bethania, Zone 7, Guatemala, by three unidentified policemen who made her suffer from cigarette burns on various parts of her body and threatened to kill her if she reported them;

(c) Otto Iván Rodríguez Vanegas, employed by the Electrification Institute, arrested on 5 April 1991 in Chiquimola and taken to the National Police Centre in Chiquimola, where he was reportedly beaten up and suffered from cigarette burns, apart from a serious injury in the left eye;

(d) The bodies of two young persons, Elías and Lucas Florián Villatoro, aged 13 and 17 were found on 4 March 1991 in San Andrés Villaseca, Retalhuleu, bearing signs of torture and strangulation.

103. In a letter dated 18 October 1991 the Special Rapporteur transmitted to the Government of Guatemala information according to which the bodies of persons who had been arrested and had disappeared for some time often turned up on the roadside or at the bottom of a precipice, and invariably showed signs of torture or mutilation. The limited testimony available from people who have been released after being held at clandestine detention centres indicate that both the police and the army regularly use torture in the course of interrogations, such as beatings, rape, cigarette burns, electric shocks, suffocation, acid burns, inhalation of poison gases, etc. Information was transmitted in particular on the following cases:

(a) Sebastían Velásquez Mejía, arrested on 6 October 1990 in Guatemala City by individuals suspected of ties with government forces. His body was found two days later on the Avenida del Ferrocarril. The autopsy report speaks, inter alia, of fourth degree bruises in the thorax and abdomen, pulmonary oedema and congested viscera;

(b) Julio Choalcu Ben, aged 23, arrested on 16 December 1990 by two soldiers named Andrés Chalcu and Vicente Morales and taken to Sololá Military Base No. 14 for some days and tortured. On 27 December 1990 he was left on the roadside close to Escuintla. He was taken to hospital and remained in a coma for several months;

(c) Diana Ortiz, a United States member of a religious order, was arrested on 2 November 1989 in Antigua by individuals driving a police vehicle. She was, among other things, repeatedly tortured with cigarette burns and she was raped;

(d) Faustino Palma, Gonzalo Gómez Castro and Celedonio Pérez, arrested on 27 March 1991 and tortured at the military detachment in Los Amates Department of Izabal. The case was reported to the Human Rights Attorney, who checked that the facts were true and submitted a complaint against an army commanding officer to the Puerto Barrios Military Prosecutor;

(e) Francisco Castillo García, Ezequiel Trujillo Hernández and Carlos Geovanni Rosales Chávez, recently arrested by police in Guatemala City and taken to Third Army General Barracks where they were held for two hours and beaten up. They were then taken to the Criminal Investigation Department where the torture continued, more particularly with near-suffocation from a hood, beatings and acid burns on their hands.

104. In the same letter the Special Rapporteur also transmitted to the Government information on the ill-treatment to which the so-called "street children" were frequently subjected by members of the security forces, particularly the police. For example, on 31 July 1991 the body of a child aged six or seven who had been savagely tortured was found in a garbage dump in Zone 3 in Guatemala City; his eyes had been gouged out and he had been beaten on the head to such an extent that it was impossible to identify him. The Special Rapporteur also transmitted the case of Edwin Esteban Rodríguez García, a street child aged 15 who was arrested by the police after stealing some sunglasses. Under Guatemalan law, Edwin Rodríguez should have been taken to the juvenile court, but was instead taken to an unknown place in the

Mixco district and tortured. He was apparently beaten on various parts of the body, particularly the head, burned on the chest, back and testicles with lighted cigarettes, and then thrown into a roadside ditch.

105. In a letter dated 5 December 1991 the Government sent replies concerning the cases of Sebastián Velásquez Mejía and Diana Ortiz. As to the former, the Government said that two ex-Civil Defence patrolmen in Chunimá Canton, Department of El Quiché, had been arrested and were being tried for assault and murder. As to the second case, inquiries were being conducted by the Sacatepéquez Criminal Court of First Instance and were at the confidential stage.

Haiti

Urgent appeals

106. On 20 November 1991 the Special Rapporteur sent an urgent appeal to the Government of Haiti concerning the following persons: André Augustin; Wilson Bien-Aimé; Béatrice César; Edwin César; Ronand Armstron Charlot; Daniel Delisle; Louis Donald; Berthelemy François; Gaspard Fritzner; Béatrice Fortuna; Frantz Fortuna; Marjorie Gard; Gerald Gilles; Ginette Grégoire; Patrick Isidore; Roland Jean; Chenet Jean-Baptiste; Béus Jean-François; Opem Jean-Julien; Wesley Jean-Julien; Elfine Jean Jumel; Marie-Claude Jospech; Ronald Léon; Edieu Louissaint; Evans Motellus; Stanley Montour; Léon Ronald; Béatrice Rosilbe; Bellande Sincère; Hans Termilus; Rodrigue Thermilus; Frantz Thermilus; Jean-Baptiste Yves. According to the information received, on 12 November 1991 soldiers burst into a press conference held by the National Federation of Haitian students (FENEH) at the Faculty of Science in Port-au-Prince and arrested these persons. They were put onto trucks and taken to the national jail and to the Anti-Gang Squad where, according to the information received, they were tortured; on the day of the arrest, persons living close by heard screams from the building.

107. On 10 December 1991 the Special Rapporteur sent an urgent appeal to the Government of Haiti concerning Mr. Jean-Mario Paul, a Radio Antilles correspondent in the Petit Gôave region, reportedly arrested on 9 November 1991 in Port-au-Prince. He was allegedly transferred to Petit Gôave after his arrest and badly beaten up. In the circumstances, fears were expressed about Mr. Paul's state of health and the fact that he might still be subjected to ill-treatment. The charges against him are said to be setting fire to a courthouse and a police post in the course of demonstrations on 30 September 1991. Mr. Paul maintained that he was present only in his capacity as a journalist.

Letters

108. On 6 August 1991 the Special Rapporteur sent the Government of Haiti a letter transmitting information to the effect that cases of torture and ill-treatment, as well as deaths in detention as a result of torture, continued to occur in Haiti. The source maintained that one of the methods of torture was the "djak", which consists in tying the victim's hands together, slipping a baton under the thighs and over the arms and using sharp blows to the body. Arrests, often for minor offences, sometimes lead to torture that causes very

serious physical and mental injury, and even death. The following persons are said to have been subjected to torture and ill-treatment in the period March-April 1991:

(a) Philistin Auguste, a farmer aged 54, arrested on 4 March 1991 by a military unit in Obléon, the reason for the arrest allegedly being that he was the father of Lucien Auguste, wanted on charges of robbery. Philistin Auguste was taken to the Kenscoff military base, where he was reportedly tortured by the "djak". He was released on the same day but the medical report mentioned bruises in the small of the back and on the buttocks, a swollen left ankle, and a fractured fibula;

(b) Lucien Auguste, aged 24, unemployed and the son of Philistin Auguste, and Joseph Nixon, aged 23, unemployed. Both were arrested on 4 March 1991. Lucien Auguste was reportedly tortured by the "djak". Both suffered injuries to the soles of the feet and to the ribs, as a result of the torture. They were brought before the Port-au-Prince Civil Court, then taken to the city's National Prison. Lucien Auguste was released in the course of June 1991, but Joseph Nixon is still being held at the Port-au-Prince National Prison, and receives no medical care.

Honduras

Urgent appeals

109. On 24 June 1991 the Special Rapporteur sent an urgent appeal to the Government of Honduras concerning Mr. Santos Danilos Ramos and Mr. Santos Dagoberto Franco, arrested on 11 June 1991 by members of the National Directorate of Police (DNI) who reportedly accused them of being involved in a massacre on 3 May 1991 in Agua Caliente, Department of Atlántida. While they were held in the prison at Tela, Department of Atlántida, they are said to have been tortured to force them to agree to the charges against them.

Letters

110. On 14 February 1991 the Special Rapporteur sent a letter to the Government of Honduras transmitting the following cases of torture reported to have occurred in 1990:

(a) Angel Arturo Escobar Lobo, arrested on 4 February 1990 in the municipality of Dulce Nombre de Culmí, by members of the DNI in Catacamas;

(b) Rogelio Acosta, arrested on 25 March 1990 in El Progreso, Yoro, by soldiers stationed locally;

(c) Medardo Márquez Argueta, a corporal on active duty in the Territorial Army, arrested on 3 March 1990 on charges of collaborating with the Salvadorian guerrillas. He was held incommunicado in the basement cells of the headquarters of the Territorial Army in Los Llanos de San Antonio, Marcala, La Paz;

(d) Francisco Reyes Bonilla, arrested by the police and presumed to have been tortured at the DNI;

(e) Francisco Lagos Holman, arrested by the police and presumed to have been tortured for five days.

111. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Honduras transmitting information about the cases of Angel María Bonilla Donaires, Víctor Manuel Ramírez and Leónidas Ramírez, who were reportedly arrested in February 1991 and tortured by members of the Public Security Force (FUSEP).

112. On 18 October 1991 the Special Rapporteur sent a letter to the Government of Honduras transmitting information to the effect that there were numerous cases of torture of persons arrested unlawfully and interrogated at military posts. The methods most often used included keeping the prisoners handcuffed and blindfold over long periods, depriving them of food and water, beating them on the soles of the feet and other parts of the body, stringing them up by their wrists and heels, suffocating them, using electric shocks, and psychological pressure such as threats to arrest and torture members of the family. In some instances threats were used to prevent the victims from reporting the torture. It was also said that torture was used not only on persons charged with offences for political reasons but also on peasants involved in land disputes or persons accused of common crimes. In addition, steps are often taken to prevent any marks of torture being left on the victim's body or to make sure the torturers are not identified later on. The following cases, in particular, were transmitted to the Government:

(a) Marcos Reinero Castro, Eduardo Salguero, Gilberto Calderón, Oscar Gómez, José Santos Flores, Servando Galeas Banegas and Osmán Flores, arrested between 18 and 24 January 1991 by members of the Public Security Force in Sulaco, Yoro;

(b) Manuel Corrales Alvarez, Carlos Martín, Eugenio Cruz Chavarría, José Eduardo Hernández, Efrain Bonilla and Darío Martínez Figueroa, peasants arrested on 14 December 1990 in Pisijire, Olancho, by a group of FUSEP officers;

(c) Liliana Esperanza López, arrested on 31 January 1991 and taken to the DNI;

(d) Ramón Bartolo Espinol Amador, arrested on 16 October 1990 and taken to the DNI in Tegucigalpa;

(e) Manuel Castillo Reyes, arrested on 10 April 1990 in El Higuito, municipality of Cololaca, Lempira, by members of the Special Forces Battalion and taken to the unit in Cucuyagua, Copán;

(f) Osmar Eugenio Urquía, arrested on 12 November 1990 by DNI and FUSEP officers and taken to the DNI in Esperanza, Department of Intibuca;

(g) Maria Antonia Ramos de Linares, arrested by the DNI on 24 May 1990 in Santa Rosa de Copán.

113. The Special Rapporteur also transmitted the following cases of a number of persons said to have died as a result of torture in custody:

(a) Sergeant Oscar Armando Ponce Morales, a member of Infantry Battalion No. XV at Silín, Colón, who died on 13 November 1990 after being tortured at the battalion barracks;

(b) Eduardo Ramón Salgado, arrested on 2 March 1990 by the FUSEP in Santa Bárbara, Yoro;

(c) Victoriano Castillo Euceda, arrested on 2 September 1990 on the stretch between Choluteca and Tegucigalpa by DNI officers from Choluteca;

(d) Riccy Mabel Martínez, whose dead body was found at the bottom of a precipice on 13 July 1990, with marks of beatings and rape, by two members of the armed forces suspected of committing these acts.

India

Letters

114. On 17 April 1991 the Special Rapporteur sent a letter to the Government of India transmitting information concerning the case of Mr. Ram Swaroop, aged 40, from Narela Delhi, who was arrested on 28 January 1991 in connection with an alleged theft in a Delhi electricity company in which he was employed. He was taken to the R.K. Purum police station, where he was reportedly interrogated by Sub-Inspectors Jog Raj and Jartar Singh. On 31 January 1991 Mr. Swaroop was taken to the Safdarjung hospital, where he died shortly afterwards. The police reportedly claimed that the cause of death was a sudden attack of tuberculosis, a disease for which he had been treated four years earlier. But his relatives, who saw the body some time later, alleged that it showed clear signs of severe torture. It was not reported whether an autopsy had been conducted and whether an investigation into the death circumstances had been initiated, or what were the findings of such autopsy or investigation. According to the source two unnamed policemen had been suspended following the incident.

Indonesia

Letters and Government replies

115. On 29 April 1991 the Special Rapporteur sent a letter to the Government of Indonesia transmitting information according to which cases of torture occurred during 1990 in Indonesia, and particularly in East Timor, Irian Jaya and Aceh provinces, where rebel or separatist movements were said to be active. Alleged victims reportedly included student activists and members of groups in opposition to the Government, as well as common criminals. It was alleged that torture occasionally resulted in death and that it was perpetrated by local police authorities, as well as members of the national military. With regard to East Timor, it was alleged that anti-government activists were often subjected to torture or ill-treatment while they were held incommunicado in unofficial safe-houses or in detention centres of the security forces. The forms of torture or ill-treatment mentioned included beatings, burning with

lighted cigarettes, electric shocks, slashing with razor blades and immersion for long periods in water. The following cases of alleged torture were reported in East Timor:

(a) Abilio Mesquita, a student aged 23, arrested on 29 October 1990 in Dili;

(b) Constancio Concei Pinto, aged 26, a teacher at San José High School in Dili, arrested on 25 January 1991;

(c) Justina Moniz, aged 25, captured near Same in November 1989;

(d) Bai Meta, aged 48, captured on 2 August 1985 near Bibileo;

(e) Donaciano R. Costa Gomes, Francisco Maria Sousa, Clementino Faria, Guilherme Pereira, Antonio Pereira Lopes, Lourenço Pereira and José Manuel S. Fernandes, all of them students from Dili, removed by military personnel from the Bishop's residence on 4 November 1989; they were allegedly detained and tortured, including by electric shocks, and later released on 6 February 1990;

(f) Agostinho Pereira Martins, a student aged 21, detained on 17 January 1990 in Dili;

(g) Paulo Rossi, aged 23, a student, and Paulo Monteiro Babo, a teacher at the Ermera primary school, arrested on 17 January 1990;

(h) Sergio Fontura Guterres, detained in Dili on 16 October 1990;

(i) Domingos Pereira, aged 23, a student, detained on 17 October 1990 in Atsaba;

(j) Jose Francisco Magali, aged 14, a pupil at the "Paulo VI" school in Dili, detained on 8 November 1990;

(k) Belchior Pereira, a student at the "Paulo VI" school in Dili, detained on 8 November 1990;

(l) José Antonio Galucho, aged 31, a civil servant, arrested on 13 November 1990 in Dili;

(m) Cipriano Amaral, aged 35, a teacher in Atsabe, arrested on 7 December 1990 in Hatas;

(n) Adao Da Purificaçao, aged 45, civil servant in Maliana, and his brother Carlito Da Purificaçao, aged 30, arrested on 10 December 1990 in Leolima;

(o) Acacio de Araujo, aged 39, civil servant, arrested on 13 December 1990 in Ritabou;

(p) Olandino Guterres, aged 30, policeman, arrested on 17 December 1990 in Ritabou.

116. The Special Rapporteur also drew the Government's attention to the cases of Mr. Hendrik, a student at the University of Pakuan, in Bogor (West Java), Mr. Edi Murtono, a student at the University of Pancasila (Jakarta) and Mrs. Sandra Iskandar, a student at the Sekolah Teknik Tinggi Nasional (Jakarta). All three were reportedly arrested on 7 October 1990 by Indonesian Air Force soldiers during a farmers' demonstration in Majabengka in West Java and were allegedly subsequently tortured. It was claimed that Mr. Hendrik was admitted to the local hospital in Majabengka as a result of injuries sustained during his detention.

117. By letter dated 27 September 1991 the Government transmitted information with respect to some of the above-mentioned cases. It indicated, in particular, that Laurenco Pereira, José Manuel da Silva, Agostinho Pereira Martins, Cipriano Amaral, Sergio Fontura Guterres and Olandino Guterres had neither been detained nor subjected to torture. As for Abilio Mesquita, Constancio Concei Pinto, Francisco Maria, Clementino Maria, Guilherma Pereira, Antonio Pereira Lopez, Domingus Pereira, José Francisco Magali, Adao da Purificacao and Acacio de Araujo, the Government indicated that they had indeed been arrested and questioned for their involvement in various unlawful activities, but all of them had subsequently been released. Finally, with regard to Bai Beta, Donaciano Costa Gómez and José Antonio Galucho the Government informed the Special Rapporteur that Bai Beta had returned to his home village on 31 March 1990, Donaciano Costa had been repatriated to Portugal and José Antonio Galucho had been arrested on 13 November 1990 for criminal activities and money laundering and sentenced to two and a half years in prison.

Islamic Republic of Iran

Urgent appeals and Government replies

118. On 20 December 1990 the Government of the Islamic Republic of Iran sent a letter to the Special Rapporteur in reply to his urgent appeal dated 20 July 1990 (E/CN.4/1991/17, para. 87) concerning the situation of several ministers or associates of former Prime Minister Mehdi Bazargan. The Government informed the Special Rapporteur that several of the persons mentioned in the appeal had been released on 10 December 1990. Those released were Reza Sadr, Ezatollah Sahabi, Farhad Behbahani, Abbas Ghaem Al Sabahi, Mahmoud Naimpoor, Nour Ali Tabandeh and Hossein Shah Hosseini. It was further affirmed that under article 38 of the Constitution of the Islamic Republic of Iran any kind of torture or ill-treatment was strictly prohibited by law.

119. On 23 January 1991 the Special Rapporteur sent an urgent appeal to the Government of the Islamic Republic of Iran transmitting further information he had received on the cases of Abdolali Bazargan and Mohammad Tavassoli Hojati, mentioned, among other persons, in his telegram dated 20 July 1990 (E/CN.4/1991/17, para. 87). According to that information, Abdolali Bazargan had been moved from Evin prison to a detention centre in Tehran for further interrogation, allegedly in order to force him into giving a televised confession. It was also reported that since his arrest in June 1990 he had received only one visit from his family, and that he had been beaten during the early stages of his detention. Regarding Mohammad Tavassoli Hojati, it was reported that he had been under continuing pressure to give a similar

confession and that he had not received any visits since his arrest. The Special Rapporteur referred to the information contained in the letter dated 20 December 1990, addressed to him by the Government (see previous paragraph), according to which seven of the persons mentioned in his telegram had already been released, and the right to physical and mental integrity of the remaining prisoners was being protected. Nevertheless, his attention had also been drawn to the fact that the Special Representative of the Commission on Human Rights, Mr. R. Galindo Pohl had indicated in his interim report (A/45/697) that he had not been authorized to interview the two aforementioned prisoners during his visit to Evin prison on 13 October 1990. In the light of this additional information, as well as the renewed concern expressed regarding the condition of the two prisoners, the Special Rapporteur reiterated his appeal to the Government to ensure that those persons' right to physical and mental integrity was protected and that they received humane treatment while in detention.

120. On 11 September 1991 the Special Rapporteur sent an urgent appeal to the Government of the Islamic Republic of Iran transmitting further information he had received on the cases of Ali Ardalan, aged 85, Abdolali Bazargan and Habidollah Davaran (also mentioned in his telegram dated 20 July 1990). According to it, the state of health of those three prisoners had seriously deteriorated during the previous few months and fears were expressed that their physical integrity, and even their life, might be in danger unless they were promptly given adequate medical treatment.

121. By letter dated 1 November 1991 the Government informed the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran that Mr. Ali Ardalan had been taken to hospital and had undergone the necessary medical examinations. At the present time he was convalescing at his own domicile.

Letters

122. On 6 August 1991 the Special Rapporteur sent a letter to the Government of Iran transmitting information he had received on the arrest and alleged torture of Mr. Massoud Afravi. The details of this case are specified in paragraph 24 above.

123. By letter dated 18 October 1991 the Special Rapporteur transmitted to the Government of Iran information he had received concerning Mr. Elyas Kohan, who was reportedly arrested on 25 February 1991 and taken to the Evin prison, where he was blindfolded and locked in a cell. On several occasions, he was taken to a torture chamber where he was beaten with hard plastic sticks on the head, face, and other parts of the body, including the toes and finger nails. As a consequence of this treatment, his upper jaw was broken. He was released on 23 May 1991 after being warned not to report to any authority or tell anybody about the torture.

124. By the same letter the Special Rapporteur also transmitted information concerning the health of Mr. Nezameddin Movahed, aged 74, who had been sentenced to three years' imprisonment. According to the sources, he had eye and cardiac problems, and had apparently lost the use of one leg.

Iraq

Urgent appeals and Government replies

125. On 28 March 1991 the Special Rapporteur sent an urgent appeal to the Government of Iraq concerning the following persons who had reportedly been detained on 20 March 1991: Grand Ayatollah Abul Qassem Al-Kho'i; Sayyid Mohammad Reza Mousavi Al-Khalkhali, aged 63; Sayyid Ja'far Babrul Ulcom, aged 56; Sayyid Izzaddin Bahrul Uloom, aged about 55; Sayyid Muhammad Taghi Al-Kho'i, aged 32; Sayyid Muhyaddin Al-Ghuraif; Sayyid Muhammad Ridha Al-Kharsan; Sayyid Muhammad Al-Sabzwari; Sayyid Muhammad Ridha Al-Sa'idi; Sayyid Muhammad Saleh; and Abd Al-Rasul Al-Kharsan. He further informed the Government that 10 of the Grand Ayatollah's relatives: his daughter, son, daughter-in-law and seven of his grandchildren, aged between 3 and 11 years, had also been detained the same day. The above-named persons were reportedly taken into custody by Iraqi Government forces when the latter were carrying out an armed raid on the Grand Ayatollah's residence in Najaf. Grand Ayatollah Abul Qassem Al-Kho'i was flown by helicopter to Baghdad where he appeared on television. It was further reported that the Grand Ayatollah, who was suffering from a heart condition, was being detained in Najaf, whereas the other persons mentioned above were said to be imprisoned in an unknown place in Baghdad.

126. On 19 April 1991 the Government replied, rejecting the allegations as "totally unfounded" and adding the following:

> "The people and authorities of Iraq hold eminent ministers of religion in great respect and would never subject them to any form of detention or harm. The fact that Ayatollah Al-Kho'i appeared on television and received journalists at his residence in Najaf constitutes irrefutable proof of the erroneous nature of the information contained in the Special Rapporteur's note".

Israel

Urgent appeals and Government replies

127. On 6 June 1991 the Government of Israel addressed a letter to the Special Rapporteur providing information on the following three cases of alleged torture transmitted to it in 1990:

(a) 'Abd Al-Raiuf Ghabin (see E/CN.4/1991/17, para. 90): it was stated that following an investigation carried out by the authorities, the claim that he had been deprived of sleep for three weeks was found to be untrue. The Government added that during Ghabin's appearance before a judge for the extension of his detention, he did not raise any claim regarding maltreatment and that during the investigation he had retracted most of his allegations. However, he maintained that during his interrogation, the interrogator had squeezed his genitals, an allegation which was strongly denied by the interrogator. Ghabin agreed to undergo a polygraph examination on this claim, and the results were unequivocal: this allegation too was found to be baseless. The conclusion of the investigation was that there had been no deviation from the accepted procedures for interrogations.

(b) Ahmed Kabaha (see E/CN.4/1991/17, para. 91): it was stated that when, on 11 November 1990, Kabaha appeared before a judge for a court order extending his detention, he showed the judge cigarette burns on his chest which he said had been inflicted on him by his interrogators. Although the judge expressed doubts about the validity of Kabaha's claim, he nevertheless ordered a medical examination and required that the findings of the examination be recorded. Two days later, on 13 November 1990, Kabaha gave to the police a written statement to the effect that on the night of 9 November 1990, while in his prison cell, he had asked the guard for a cigarette, which he himself lit and proceeded to apply to his chest until burns were visible. Kabaha also expressed regret for his false accusations.

(c) Rami Muslah (see E/CN.4/1991/17, para. 91): it was stated that the examining authority (which also heard Muslah's testimony) had found the allegations of ill-treatment to be baseless. Indeed, since Muslah was a minor, the interrogators were especially careful to follow the rules and regulations regarding such interrogations. Regarding Muslah's claim that an interrogator had placed a gun to his head and threatened to shoot him, this too was found to be untrue. The regulations specifically prohibit the existence of any kind of weapon in the interrogation area. According to the records of the Gaza prison, Muslah was examined by a medical officer upon his arrival at the prison. At the outset of his detention, he told the medical officer that he had previously been hospitalized for chest pains. He was subsequently examined by a doctor on a number of occasions and received appropriate treatment. Muslah admitted that for the previous two years he had suffered from asthma and had been under continual treatment, including hospitalization. In addition, he stated that he was satisfied with the medical treatment given to him while in Gaza prison. During the period of his interrogation, Muslah was also visited several times by a delegate of the International Committee of the Red Cross.

Letters and Government replies

128. On 6 June 1991 the Government of Israel addressed a letter to the Special Rapporteur providing the following information on several cases of alleged torture transmitted to it by letters dated 6 June 1990 and 15 October 1990:

(a) Regarding the case of Murad Muhammad Isa Jadallah (see E/CN.4/1991/17, para. 93 (b)), it was stated that the charges of maltreatment brought by Jadallah and his family had been thoroughly investigated by the Police Public Complaints Department and reviewed by the State Attorney's Office. According to the findings of the investigation, Jadallah was examined by the doctor of the Russian Compound jail on 29 October 1989. He was also examined on 2 November 1989 by a doctor retained by his family. Both doctors found two bruises on Jadallah's body, one on his forehead and another on his left thigh. The findings of the medical reports did not support the severity of the complaint and contradict Jadallah's allegation that he was beaten with clubs all over his body, which certainly would have caused additional visible injuries. Although the State Attorney's Office would like to initiate criminal proceedings against the person or persons responsible for Jadallah's two bruises, the circumstances surrounding this case had thus far made it impossible to do so. Some of Jadallah's claims were found to lack credibility.

For example, in addition to the medical findings mentioned above, his claim that he was interrogated by seven interrogators simultaneously was highly unlikely. Moreover, owing to the number of policemen who were involved in different stages of this case, it was impossible to attribute the two bruises on Jadallah's body to any specific individual. Without such attribution it was, unfortunately, impossible to initiate criminal proceedings. The authorities were particularly sensitive to complaints by minors, especially where there was medical evidence supporting some aspects of the complaint. Therefore, although no criminal file had been opened against any of the policemen who arrested or interrogated Jadallah, his complaint file was still pending additional review.

(b) Regarding the case of Walid Abu-Surur and the "Runners for Peace" group (see E/CN.4/1991/17, para. 94), it was stated that on 17 April 1990 stones had been thrown at Israeli soldiers from the Aida refugee camp. The soldiers entered the camp, arrested one of the stone-throwers, Mustafa Akal, and later went to Walid Abu-Surur's house to question him about his participation in the incident and the identity of the stone-throwers. In order to avoid the outbreak of disturbances in the camp the soldiers asked Abu-Surur to accompany them. He refused and, at one point, grabbed the coat of one of the soldiers. The latter, in order to release himself, struck Abu-Surur with his rifle butt. According to the reply, this was the only instance in which the soldiers struck Walid Abu-Surur, although he continued to resist their efforts to take him to the jeep. The soldiers in question had never previously encountered Mustafa Akal or Walid Abu-Surur and had not even heard of the group, "Runners for Peace". Their action was in response to the stone-throwing incident described above.

(c) Regarding the case of Riad Shehabi (see E/CN.4/1991/17, para. 95) it was stated that his complaint had been thoroughly investigated by the Public Complaints Unit of the Israel Police and subsequently by the State Attorney's Office. As a result of this investigation, on 21 March 1991 criminal charges were filed against First Sergeant Rami Chefetz under section 380 of the Penal Law (1977) for assault causing bodily harm. The Government added that the case would be tried in the Jerusalem Magistrate's Court.

129. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Israel transmitting information alleging cases of torture of Palestinians in connection with the uprising in the occupied territories. The perpetrators were said to be members of the Israel Defence Forces (IDF) and agents of the General Security Services (GSS). The following detailed cases of alleged torture were reported:

(a) Amal 'Auda Qabna, aged 17, from Jericho, was arrested on 8 May 1990 and allegedly beaten on the head by the arresting officers. She was said to have suffered repeated headaches from the beating.

(b) Farah Yunis, aged 19, from the Rafah refugee camp, was arrested at his home on 24 August 1990. At the military headquarters, Faraj was reportedly subjected to torture by soldiers who beat him, squeezed his genitals and choked him. He allegedly experienced a nervous breakdown and hallucinations and attempted suicide at least once.

(c) Rana Abu Kishek, aged 16, from Tulkarem, was arrested on 22 September 1990 for attempting to stab a soldier. She was reportedly severely beaten all over her body and, according to a United Nations doctor, suffered post-traumatic depression.

(d) Amal Abu-Lehye, aged 25, from Bany-Suheila, was allegedly tortured at her home by three soldiers and two GSS officers on 21 December 1990. She was severely beaten on her chest, made to strip naked, threatened with rape and sexually assaulted.

(e) Mazneh Abu-Hakma, aged 22, a student from El Bireh, was arrested on 28 October 1990. During the first two weeks of her detention, she was allegedly forced to sit on a chair with her hands tied behind her back and her head covered with a sack. She was allegedly prevented from sleeping and sometimes also from eating and moving.

(f) Zafer Farid Attawil and Ala Salah Warrad, both aged 14, from Jerusalem, were arrested on an unspecified date and had their detention period extended, on 18 November 1990. During their detention, both were allegedly beaten by soldiers and Warrad was reportedly admitted to an Israeli hospital because of the beatings.

130. By letter dated 28 May 1991 the Government provided the Special Rapporteur with a general report on prison conditions in Israel.

Italy

Letters and Government replies

131. On 25 January 1991, the Italian Government sent the following information in reply to a letter from the Special Rapporteur dated 2 October 1989 (see E/CN.4/1990/17, para. 75) concerning a number of cases of ill-treatment said to have been inflicted on prisoners in Italy in 1988.

132. As to the cases which reportedly occurred in Milan in May 1988, the Milan Public Prosecutor started an inquiry into the injuries suffered by persons arrested by the judicial police during or immediately after arrest. The inquiry conducted in the case of each prisoner claiming that he was beaten or suffered injury revealed, in most instances, that injuries found in the course of medical examinations were connected with acts of violence or resistance put up by the prisoners themselves when they were arrested. In some cases the medical certificates attached to the prison report pointed to the absence of objective elements to support the statements by persons presumed to have suffered from such violence. The preparatory phase was taken further in the case of acts of violence for which the victim had complained or of cases that were objectively more serious. Further to the preliminary inquiry, committal for trial was requested for a number of policemen and carabinieri for aggravated violence and assault. In one case, a policeman was given a suspended sentence of nine months' imprisonment. The other cases are still pending.

133. In the case of Kader Fall, an inquiry revealed that on the evening of 16 April 1988 he had actually been hit by a policeman at the Civitanova Marche police station. Criminal proceedings were brought against the policeman, but he was acquitted on 20 December 1988 by the Macerata examining magistrate because the facts did not seem to constitute an offence: the accused person did not strike Mr. Fall to compel him to do anything but simply as a reaction to the way he behaved with provocation.

134. In the case of Domenico Garzon, he escaped during pre-trial detention with weapons belonging to the San Bonifacio carabinieri. When he was caught by the guards, he started a hand-to-hand struggle and resisted sharply when he was taken back to the gendarmerie. He was then imprisoned in Verona. He complained to the Verona Public Prosecutor for alleged ill-treatment during this episode and the Public Prosecutor later requested an order for dismissal of the proceedings, dated 17 January 1989.

135. On 18 October 1991 the Special Rapporteur sent a letter to the Italian Government in connection with an incident which reportedly occurred during a search in the Fuorni prison in Salerno on 15 December 1990. According to the information received, the search was conducted by about 150 prison warders belonging to the regional warders' office in Naples. The warders, who were masked and carried truncheons, went into the cells and forced the prisoners to undress and to do press-ups. The prisoners were then punched and kicked and compelled to pass, one by one, between two lines of warders who clubbed them. The source maintains that some prisoners also suffered sexual assault and young prisoners were forced to slap older prisoners in the face and spit on them. According to the source, the suspicion that prisoners were in possession of weapons to be used for a mutiny was the reason behind the search, but the same source contends that no firearm was discovered and the prisoners committed no act of violence during the search. After the incident, the prison infirmary issued more than 100 medical certificates for injuries which, according to the medical staff, would need three to five days to heal. Four or five prisoners were reportedly transferred to hospital. According to one of the prisoners, who sent a letter about the matter to a private radio station, the prisoners wounded in the search included one who lost an eye, another whose eardrum was ripped and a third whose hands were broken. A visit by members of the Radical Party to the prison, approximately a month after the incident, enabled some prisoners to complain about violent pains in the back and ribs and the absence of X-rays when they had asked for them to be taken. According to the source, administrative and judicial inquiries have been initiated to shed light on the circumstances of the incident.

Jordan

Urgent appeals

136. On 12 June 1991 the Special Rapporteur sent an urgent appeal to the Government of Jordan concerning Muhammad Jaber Hasan Mut'ab, aged 24, who was arrested on 30 April 1991 on suspicion of being connected with an illegal Palestinian group. It was reported that one week after his arrest, he was taken to the General Intelligence Department (GID) headquarters in Amman, where he was being held incommunicado and without charge, under emergency legislative provisions which permit the holding of detainees indefinitely

without charge or trial. Muhammad Mut'ab had reportedly not been visited by a lawyer since his arrest. It was alleged that, while in GID custody, he was beaten and suffered injuries to his neck.

Kenya

Urgent appeals and Government replies

137. On 4 February 1991 the Government of Kenya provided the Special Rapporteur with further information on the case of Mr. Koigi Wa Wamwere and several co-accused persons, regarding whom the Special Rapporteur sent urgent appeals on 16 and 23 October 1990 and received a first reply from the Government dated 28 October 1990 (E/CN.4/1991/17, paras. 100-102). According to subsequent information provided by the Government, the Attorney-General was investigating allegations by Koigi Wa Wamwere and his six co-accused facing a treason charge that they had been harassed and exposed to inhuman and degrading conditions by prison authorities. Defence lawyers and the Deputy Public Prosecutor, Mr. Etgang, confirmed in a Nairobi court that they had agreed to settle the matter administratively.

138. On 12 March 1991 the Special Rapporteur sent an urgent appeal to the Government of Kenya transmitting information concerning Gitobu Imanyara, aged 37, a lawyer and editor of the Nairobi Law Monthly Journal, who was arrested by police on 1 March 1991, and taken away to an unknown destination. On 5 March 1991 he was charged with sedition and inciting tribal hatred. According to the source, Mr. Imanyara was believed to be held at the Nairobi province headquarters of the Department for State Security Intelligence (DSSI), known as Ngayo House. In the light of allegations that political prisoners had been tortured there in recent years, fears were expressed that Mr. Imanyara might be at risk of being tortured.

139. On 18 March 1991 the Government informed the Special Rapporteur that Mr. Gitobu Imanyara had indeed been arrested and charged with sedition and inciting tribal hatred. It added that Mr. Imanyara's attorneys had not complained of torture and that he had made several appearances in court when applying for bail and there were no signs of torture. It was affirmed that his right to physical and mental integrity was being maintained. His wife and close family and the attorneys were visiting him quite often; the allegations of torture or fear that it could happen were therefore unfounded.

Kuwait

Urgent appeals

140. On 1 August 1991 the Special Rapporteur sent an urgent appeal to the Government of Kuwait concerning Doctor Nazmi Salim Khurshid, aged 46, a Palestinian holding Lebanese travel documents. Dr. Khurshid was arrested on 10 March 1991 at his place of work at Al-Ardiyyah hospital, together with several other Palestinian doctors. He was first held at Al-Ardiyyah police station for three days and then, on or about 13 March, transferred to the State Security Prison. Dr. Khurshid's condition was reported to be extremely serious, allegedly as a result of severe beatings by Kuwaiti security forces following his arrest: he was said to be in a coma, nearing death, and to

be suffering from paralysis of the left leg. According to the source, Dr. Khurshid was being held without charge or trial in an unknown place of detention; his family had not seen him since his arrest and it was not known whether he had received any medical attention.

Letters and Government replies

141. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Kuwait transmitting information according to which some Arab nationals living in Kuwait, and in particular people of Palestinian descent, had, since the end of the Gulf war, been the subject of persecution, arrest and torture, in reprisal for their alleged support of the Iraqi forces during the occupation of the country. It was alleged that both members of the regular Kuwaiti armed forces and armed kuwaiti civilians were responsible for such practices. It was further alleged that people of Palestinian descent were tortured and killed in Wing 18 of an unspecified hospital. According to a foreign press agency, on 13 March 1991 Salah Abdel Rahim, aged 19, claimed that he had been tortured by Kuwaiti armed elements at Al-Areidiyeh school; and on the same date Mahmud Hussein, aged 21, affirmed that he had been subjected to beatings with electrified batons by Kuwaiti armed elements at Al-Jahra school. Similar incidents were also reported by various other press agencies and newspapers.

142. On 29 May 1991 the Government replied, rejecting the allegations as deriving from "questionable sources" and adding that the few individual cases in which persons who supported and collaborated with the Iraqi forces were ill-treated in Kuwait occurred during the early days following the country's liberation, and some of those incidents might have been committed by the "human detonators" which the Iraqi intelligence services planted in Kuwait before their withdrawal in order to foment sedition in the country. At all events, if such incidents occurred, they were a natural reaction against persons who collaborated with the invading Iraqi forces. The fact that some foreign communities were still residing in Kuwait and had not left the country, even though the Kuwaiti Government had not prevented anyone from leaving as long as no charges had been brought against him, indicated that the security situation in Kuwait was reassuring and that its foreign residents were enjoying excellent living conditions.

143. On 18 October 1991 the Special Rapporteur sent a letter to the Government of Kuwait transmitting information on the following cases:

(a) Mahmoud Diyab Abdalla, aged 35 and his cousin Omar Abdalla, were reportedly arrested on 17 March 1991 on the accusation of illegal residence in Kuwait. They were taken to a detention place in an area west of Kuwait City, where they were severely beaten. Omar Abdalla, in particular, was hit over the head with a wooden stick studded with nails. Their injuries required medical treatment at the al-Farwaniyya hospital.

(b) Bessam Mahmoud Selaiman, aged 19, was reportedly arrested on 15 March 1991 while waiting in line at a gas station in al-Edailiyya. He was taken by five military men to a tent nearby and beaten for hours on his head, back and legs with a wooden stick covered with hard plastic; he was also

made to swallow hot sauce and was burned with cigarettes on the back and on the left hand. Later he was reportedly taken to an army facility in the Kadhema Club, where he was again beaten and subjected to a mock execution.

(c) Na'el Mustafa Hassan Shershir, aged 18, was detained at Khaitan police station from 2 to 17 March 1991. During the first five days of his detention, he was reportedly severely beaten with three-inch-thick wooden sticks on the back, chest, legs and head. Despite his multiple injuries, he did not receive any medical treatment at the police station.

(d) Jemal Na'im Abdel Rahim, aged 28, was arrested at his house in Hawalli on 17 March 1991 by a group of soldiers, and released a few days later. While in custody he was reportedly beaten with sticks and plastic pipes and was electrocuted with live wires.

(e) Beshir Ibrahim al-Khatib was reportedly detained from 10 to 16 March 1991 at the al-Jaberiyya police station, where he was beaten with metal pipes and burned with lit cigarettes, candle wax and heated metal bars.

(f) Yasser Ashour Yasseen was reportedly detained from 10 to 14 March 1991 at the al-Nugra police station, where he was beaten regularly with metal and plastic pipes and rifle butts.

(g) Iyad Selim Sa'id, aged 18, was reportedly detained in mid-March 1991 at al-Jaberiyya police station, where he was beaten with sticks and rifle butts on the back, face and left ear; as a result of which he lost his hearing in that ear.

(h) Olayyan Saleh Issa, aged 42, was reportedly detained from 8 to 14 March 1991 in the Sabah al-Salem police station, where he was regularly beaten with sticks and plastic-covered pipes and threatened with execution.

144. On 19 November 1991 the Kuwaiti Government replied that the cases transmitted on 18 October 1991 dated back to the weeks following the liberation of Kuwait and that, since they were isolated cases, it was difficult to confirm the facts or obtain reliable information. They had taken place during a difficult period in which the Kuwaiti Government had been making every effort to restore order and guarantee the inhabitants' security after the departure of the occupation forces. They did not, in any event, presuppose a pattern of human rights violations in Kuwait.

Libyan Arab Jamahiriya

Letters

145. On 14 February 1991 the Special Rapporteur sent a letter to the Government of the Libyan Arab Jamahiriya transmitting information concerning Ibrahim Abdel Aziz Elweza, an Egyptian national, who was arrested in Libya and detained from 17 April to 19 June 1989. During that period, he was allegedly severely beaten and sustained serious injuries including broken bones. Subsequent medical reports indicated fractures of the cubit and of the skull. Contusions all over his body were also reported. Mr. Abdel Aziz was later allowed to leave Libya.

Malawi

Urgent appeals

146. On 12 November 1991 the Special Rapporteur sent an urgent appeal to the Government of Malawi concerning the arrest in May 1991 of Kumwenda, Christopher Mwenelupembe and John Nyenga. Kumwenda, a prison warder, was arrested after being discovered smuggling letters from Orton Chirwa, leader of the exiled Malawi Freedom Movement (MAFREMO), out of Zamba Central Prison. Christopher Mwenelupembe and John Nyenga were apparently supporters of Orton Chirwa and were alleged to have received the letters and smuggled them to neighbouring Tanzania. According to the information received, all three could at that time have been detained in an underground cell at Kanengo prison in Lilongue and fears were expressed that they might have been subjected to torture. The information received also indicated that after the letters were discovered, Orton Chirwa was kept in his cell for two days with both legs and arms in irons, and was forced to squat on the floor with arm- and leg-irons chained to a metal rod behind his knees; as a result of this punishment he was reported to be in extremely poor physical condition.

Malaysia

Urgent appeals

147. On 12 November 1991 the Special Rapporteur sent an urgent appeal to the Government of Malaysia concerning Aaron Cohen Shelton, a citizen of New Zealand, aged 24, who was reported to have been sentenced on 1 September 1991 to life imprisonment and ordered to be whipped six times under Malaysia's Dangerous Drugs Act. It was further reported that on 29 October 1991, the Supreme Court in Kuala Lumpur upheld a High Court decision not to exempt Mr. Shelton from being whipped six times. Fears were expressed that the whipping was imminent.

Mauritania

Urgent appeals

148. On 21 December 1990, the Special Rapporteur addressed an urgent appeal to the Government of Mauritania transmitting information concerning Sy Abdoulaye Maliker, Ly Moussa, Diallo Alassane, Kane Hamedine, Kane Amadou Racine, Dia Aliou, Sarr Ibrahima, Ba Moctar, Thierno Yacoub Ba, Dieng Dioulde, Oumar Djol and Gaye Saidou. Those individuals are allegedly among a few hundred persons belonging to the Hal-Pulaar ethnic group who have been arrested since mid-November 1990, without charges, at the Sixth Military Region headquarters or the J'reida Barracks. According to information received, a large number of these prisoners were tortured and 15 of them allegedly died under torture, including Mr. Gaye Saidou, a navy officer. It has also been alleged that Mr. Thierno Yacoub Ba, former Governor of Rosso-Mauritania, was severely beaten by gendarmes when he was arrested on 5 December 1990, received no medical care and was taken away to an unknown destination.

149. On 9 April 1991, the Special Rapporteur sent an urgent appeal to the Government of Mauritania transmitting information concerning the following individuals: Lt. Almami Chouaibou Diagana, Adjutant Moussa Gueye, Adama N'Diaye, Lt. Cheikhna Tandia and Lt. Siguino Traore. These individuals, together with other members of the Hal-Pulaar ethnic community, both civilian and military, are allegedly being held without trial in military barracks at Nouakchott and Nouadhibou, under very harsh conditions and without access to medical care. Conditions of detention at the J'reida Barracks, near Nouakchott, are said to be particularly harsh. Adjutant Moussa Gueye is said to be suffering from broken ribs following torture and to be in serious condition. Other prisoners in these barracks, including Lt. Chouaibou Diagana, were allegedly severely tortured. According to the source, 30 detainees died under torture in the J'Reida Barracks from November 1990 to January 1991. In view of these considerations, fears have been expressed that the physical and psychological integrity of the above-mentioned persons and of other persons being held in military barracks in the regions of Nouakchott and Nouadhibou might be in danger.

Letters

150. On 6 August 1991 the Special Rapporteur sent a letter to the Government of Mauritania transmitting information according to which approximately 200 political prisoners arrested at the end of 1990 died as a result of torture, ill-treatment and deplorable conditions of detention. The prisoners are said to have been tortured in military prisons and police stations. Many of them were subjected to the "Jaguar" method, which consists in hanging the victim upside down and beating the soles of his feet. Others were allegedly burned all over the body or subjected to electric shocks on the genitals. According to former detainees, some prisoners have been left with scars on their bodies or faces. In the northern part of the country, torture is said to have caused the death of 60 soldiers in the Aleg and Akjoujt prisons. The prisoners were allegedly buried alive.

Mexico

Letters and Government replies

151. On 18 December 1990, in reply to the Special Rapporteur's letter of 6 June 1990 (E/CN.4/1991/17, paras. 110 and 111) on complaints of torture and ill-treatment of Zócimo Centeno Hernández, Wilebaldo Centeno, Gonzalo Ibarra and Quintil Quintero, the Government of Mexico sent him the recommendation made by the Mexican National Human Rights Commission in the criminal cases involving these persons. In the case of Zócimo Centeno Hernández, the Commission noted that he had not been given the opportunity to be defended by a lawyer and that the fact that he confessed to committing the offences of which he was accused might be due to the physical and psychological torture to which he had been subjected. However, the Special Rapporteur has received no information to the effect that the competent authorities followed up the Commission's recommendation by an exhaustive investigation into the events for the purpose of determining the guilty parties. In the other three cases mentioned, the Commission makes no recommendation in particular concerning the torture and ill-treatment to which these persons were allegedly subjected.

152. On 30 January 1991 the Government replied to the Special Rapporteur's letter of 15 October 1990 (E/CN.4/1991/17, para. 113) and said that torture and ill-treatment of detainees were not regular practices in Mexico; on the contrary, any complaint of violation of the laws in force on the subject was a ground for investigation and criminal proceedings by the competent authorities. Concerning the case of Armando Prado Mena in particular, the Government reported that three officers of the Judicial Police of the State of Chihuahua had been formally charged with the offences of homicide and abuse of authority. In the case of Ubaldo Santillán Aguilar, the Government said that two Judicial Police officers were being tried for aggravated homicide and abuse of authority. Finally, in the cases of Edgardo Canseco Ruiz, Octavio Rendón Pérez, Irma Verónica Guerra Guerrero and Manuel Huerta López, the Government reported that an investigation was being conducted; in the latter two cases, members of the Federal Judicial Police had been temporarily suspended.

153. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Mexico transmitting information received to the effect that torture was practised throughout the country and in nearly all branches of the police (in particular the Federal Judicial Police and its Narcotics Division) and the armed forces. The methods allegedly used ranged from beatings, death threats and other forms of psychological intimidation to more sophisticated techniques designed not to leave any marks. Torture was allegedly used to intimidate or punish members of the political opposition and also as a method of extracting confessions and obtaining money from the prisoners or their families. Particular mention was made of the following cases:

(a) Rubén Oropeza Hurtado, aged 39, an inmate of the La Mesa State Prison in Tijuana, Baja California del Norte. He was detained without a warrant in June 1990 by officers of the Federal Judicial Police at Tijuana and subjected to torture which, according to the doctors, left him with a ruptured diaphragm for which he had to undergo an emergency operation on 14 July 1990;

(b) In December 1990 Federal Judicial Police officers arrested Juan José González Ordoñez in Ciudad Juárez, State of Chihuahua, and tortured him in order to make him sign a statement admitting that he had killed three persons in order to steal their belongings;

(c) On 26 December 1990, 19-year-old Juvencio Dante Morales died after being detained by officers of the municipal police and charged with smuggling by the Treasury Police. An initial, unofficial autopsy conducted at the family's request showed that the body bore numerous signs of blows, five of which were considered to be fatal. The official medical report prepared by the services of the State Attorney-General's Office, however, made no reference to this fact. A second autopsy confirmed that Mr. Morales had been tortured, and four Customs Police officers were arrested. Three of them were subsequently released, and one was charged with torture and incitement to suicide. No information has been received as to whether the trial is over or the outcome;

(d) Information was also received on ill-treatment of many inhabitants of the town of Aguililla, Michoacán, by the Federal Judicial Police. In particular, it was reported that as a result of the detention of

approximately 100 villagers, including women and children, on 5 May 1990, the president of the town council, Salomón Mendoza Barajas, was in turn detained when he went to the police station to protest. He was then subjected to various tortures and charged with homicide and possession of weapons and drugs. Carlos Valencia Morfín and Magdaleno Vera were also detained as part of the same incident and subsequently subjected to various tortures such as beatings, near-suffocation with a plastic bag, near-drowning, and squirting mineral water containing red pepper up the nose;

(e) Angel Chávez Sánchez and his son Alberto Chávez Barroso were arrested on 13 November 1989 in the city of Chetumal and subjected to various tortures for 20 days in order to get them to admit participation in a kidnapping. A forensic expert subsequently found scars and signs of injury;

(f) Marcial Rojas Lázaro, a Peruvian national, was arrested on 15 November 1989 by State Judicial Police officers in Tijuana, Baja California, and subjected to torture that included beatings, electric shocks and squirting mineral water containing red pepper up the nose;

(g) Julio César Márquez Valenzuela was arrested on 4 September 1989 at Villahermosa, Tabasco, together with Jesús Manuel Martínez Ruiz, who died shortly thereafter. Mr. Márquez Valenzuela was subsequently released, arrested again on 13 October and taken to Tabasco, where he was allegedly tortured and accused of theft and homicide. The second arrest is thought to be a result of Mr. Márquez' complaint that he was tortured during his first detention and that torture caused Mr. Martínez Ruiz's death. The case was brought before the Inter-American Commission on Human Rights, which was informed by the Government of the recommendations of the National Human Rights Commission. According to the National Human Rights Commission, several members of the Judicial Police were accused of abuse of authority and homicide by the Government Prosecutor's Office and two of them were arrested, but no charges were retained against them by the court of first instance. The Commission recommended that all the police officers involved should be suspended and that a new trial should be opened, but they continue to hold their jobs.

154. On 6 August 1991 the Government provided the Special Rapporteur with the following detailed information on the above-mentioned cases, including the action taken by the Mexican National Human Rights Commission:

(a) Rubén Oropeza Hurtado was arrested on 29 March 1990 for health offences. A report by Red Cross doctors subsequently revealed that he had been subjected to torture, which resulted in his death in October 1990. In that connection the Mexican National Human Rights Commission issued a recommendation, the most significant parts being: to suspend Federal Judicial Police officers Rafael Becerrill Zendejas and Alfonso Treviño Peña; to initiate the procedure for dismissal of those police officers; to send copies attesting the suspension and dismissal to the National Commission; to start the preliminary investigation and indictment of these persons; to complete the criminal proceedings and send a copy of the judicial decision to the National Commission. The Attorney-General of the Republic accepted this recommendation, dated 1 September 1990, and offered to investigate the alleged cases of torture undergone by Mr. Oropeza. In the meantime, instructions were

issued for the temporary suspension of police officers Rafael Becerrill and Alfonso Treviño Peña, and the case was assigned to the Internal Control Office of the Office of the Attorney-General of the Republic.

(b) Juan José González Ordóñez, Angel Chávez Sánchez and Alberto Chávez Barroso. These cases are being investigated by the National Human Rights Commission.

(c) Juvencio Dante Morales. It has been established that he was tortured. The young man's body was exhumed on 4 January 1991; however, the National Commission has no further details to date on the proceedings conducted against one of the Immigration Officers who was arrested for alleged responsibility for ill-treatment and incitement to suicide.

(d) Salomón Mendoza Barajas, Magdaleno Vera García and Carlos Valencia Morfín. These persons were released and their cases dismissed since it could be established that their rights had been violated.

(e) Marcial Rojas Lázaro. The National Commission conducted an investigation into this complaint and recommended: that an investigation should be conducted into the circumstances under which Mr. Rojas Lázaro was arrested and questioned by Judicial Police officers Enrique Cortéz Bonilla, José Erasmo Iglesias Serafín, Mario Coronado Estrada, José Armando Orozco, Enrique Quiñones Ortega and José Carlos Ceceña Vázquez; that if the responsibility of the police officers was established they should be suspended and criminal proceedings should be initiated; and that if they were found guilty, all police bodies in the country should be so advised in order to prevent their joining any of them; on 13 May 1991 the Governor of the State agreed to the recommendation.

(f) Julio Cesar Márquez Valenzuela. The National Commission learned that the Judicial Police officers involved in this case were removed from their posts and indicted. Mr. Márquez Valenzuela is currently being held for common crimes and his human rights have not been violated in this latest period of custody. However, the National Commission will continue to follow up the trial;

(g) Alejandro Delgado García. The National Commission recommended that preliminary inquiries should be made into the persons responsible for the death of Mr. Delgado García and that the National Commission should be informed of the progress of the investigations and action taken by the competent authorities.

155. In a letter dated 18 October 1991, the Special Rapporteur transmitted to the Government of Mexico information according to which victims of torture are primarily from the poorest sectors of the population and include both persons arrested for political reasons or as part of land-ownership disputes, human rights activists, persons suspected of drug-trafficking and common criminals. It is also alleged that women and children have been tortured. Reports also indicated that it is a regular practice among members of the police in charge of investigating a particular offence to arrest individuals suspected of being involved in political or criminal activities or even to pick up persons on the street and force them to confess crimes under torture

in order to use the confessions in the courts. Torture appears occasionally to be practised in unofficial places such as hotels, car parks and deserted rural areas.

156. Reports also indicated that the most common types of torture are beatings of all kinds and especially on the most sensitive parts of the body, such as the ears; near-suffocation with plastic bags or holding the head down in dirty water; electric shocks; cigarette burns; hanging people up and psychological torture. It was reported that, in the great majority of cases, judicial remedies are ineffective, and that victims or relatives who try to use them are often persecuted and threatened. The Special Rapporteur transmitted the following cases in particular:

(a) Pablo Torres Hernández, Enrique Itahua, Juan González Hernández and Hermenegildo Torres Cruz were arrested on 5 August 1991 and taken to the Northern Penitentiary in Mexico City, where they were tortured. In addition, the last person mentioned had received a gunshot wound while being arrested and had to be admitted to Balbuena Hospital;

(b) Aboud Sattar, aged 33, was arrested on 14 June 1991 at San Luis Potosí by the Federal Judicial Police. Before he was taken to the central prison in San Luis Potosí, he was severely tortured; in particular a bar was inserted in his rectum, causing considerable injury;

(c) Anastasio Salinas, aged 40, was arrested on 31 July 1991 at his home in the city of Reynosa, State of Tamaulipas, by a group of men who kicked him and beat him on the abdomen with a blunt object. He was taken to the Federal Judicial Police Station, where he remained incommunicado for two days and was forced, under threat of death, to sign a statement that he had been in possession of drugs.

Morocco

Urgent appeals

157. On 17 January 1991, the Special Rapporteur addressed an urgent appeal to the Moroccan Government transmitting information concerning Mohamed Raiss, held in Tazmamart Prison since 1973. According to the information received Mr. Raiss' health is deteriorating rapidly, and unless an emergency operation is performed, he runs the risk of being left completely paralysed. The same source expressed deep concern over the conditions in Tazmamart Prison. Thirty prisoners of the 60 or so transferred to Tazmamart Prison after the events of August 1973 are alleged to have died as a result of ill-treatment or malnutrition.

Letters and Government replies

158. On 17 June 1991 the Moroccan Government replied to the Special Rapporteur's letter of 27 November 1990 (E/CN.4/1991/17, para. 115) concerning several cases of prisoners alleged to have died in 1989 after being tortured. The following information was transmitted:

(a) Abdeljalil Yakouti was arrested for being obviously inebriated in public and used his shirt to hang himself at police headquarters in Onerzazate, as established by the forensic surgeon. A preliminary investigation has been initiated by the examining magistrate in Onerzazate;

(b) Abderrahim Ben Khalifa. This person is Benkhalifa Abderrahim Ben Hdia, a 32-year-old Moroccan, born in Donar Jbara, Skhour Rhamna. On 25 August 1989, Laaroussi M'Bark (Mokadem) and Astif Hammad (Cheikh) had an argument over a debt with Benkhalifa Abderrahim Ben Hdia, and they beat him up. He was taken to Marrakesh Hospital, where he died from his injuries. The autopsy revealed that death had been due to a cerebral haemorrhage caused by the blows he had received. The two representatives of the public authorities who were prosecuted were sentenced to prison terms of 15 and 5 years respectively by the court at Marrakesh;

(c) Larbi Charrat was arrested by the Royal Gendarmerie in Dar Bel Amri for disturbing the peace. According to the autopsy conducted by the forensic surgeon, the Chief Physician at the rural hospital at Sidi Slimane, cause of death was asphyxiation by hanging. A second autopsy conducted by Dr. Boukili Hassan of the Rabat Health Department also reached the conclusion that death had been due to hanging. A preliminary investigation was begun before the examining magistrate at Kenitra.

159. The Government also sent the Special Rapporteur a note on the current situation in Moroccan prisons, describing the efforts made by the prison administration to improve conditions in custody. Thus it was stated that:

> "As part of their functions under the law, the Ministries of Justice and the Interior periodically circulate to their departments instructions aimed at ensuring respect for, and enforcement of, the law. Abuse of authority and acts which deliberately infringe the law (unlawful violence or ill-treatment of persons during interrogations) render the perpetrators liable to disciplinary sanctions and also criminal proceedings before the competent courts, in implementation of article 231 of the Penal Code, which lays down punishment for voluntary acts of violence, in particular by members of the forces of law and order. The penalties issued for abuse of authority or professional misconduct against representatives of the public authorities and officers and members of both the National Sûreté and the Royal Gendarmerie show that the authorities are far from acquiescent towards situations in which the rights of individuals are violated. The judicial authorities do not hesitate to act severely against persons responsible for practices that infringe the law."

160. On 23 August 1991 the Government informed the Special Rapporteur, in reply to his letter of 28 April 1988 (see E/CN.4/1989/15, para. 64) that prisoners Mechrouhi Dahbi and Hamdani Najib had been released.

161. On 6 August 1991 the Special Rapporteur addressed to the Moroccan Government a letter transmitting information according to which cases of torture and ill-treatment still occur. Various methods of torture are allegedly practised, in particular the falaqa method, consisting of beatings

on the soles of the feet, the "aeroplane" method, consisting of hanging the victim from a steel bar with hands and feet tied behind his back, and the "parrot" method, also consisting of hanging the victim from a steel bar with his hands and feet tied, but head downwards. Particular mention was made of the case of Abdellatif Morjane. Confined to Ghbila prison on 18 April 1991, he was allegedly beaten by the prison warders following demands made by a group of detainees known as the "Islamic Group of 71", to which Mr. Morjane is said to belong. According to the source, one prison warder whose name was transmitted to the Government is allegedly responsible, together with other warders, for the torture to which Mr. Morjane was subjected. Mr. Morjane reportedly suffered a cranial traumatism, swellings on his right arm and haematomas over the entire right side of his body. He was then placed in solitary confinement and deprived of all medical care for nine hours. Mr. Morjane is said to have been removed from solitary confinement as a result of pressure by his relatives and the other prisoners and through the intervention of the Prosecutor-General.

Myanmar

Urgent appeals and Government replies

162. On 21 December 1990 the Government of Myanmar sent a letter to the Special Rapporteur in response to two urgent appeals dated 25 September 1990 and 10 October 1990 (E/CN.4/1991/17, paras. 121 and 122) concerning 13 leading members of the opposition parties National League for Democracy and Democratic Party for a New Society. The Government provided details about the provisions under which these persons were detained and the charges brought against them. Some of these persons had been tried and sentenced. Others were still awaiting trial. No reference was made to the torture allegations and no information was given about their present condition or state of health.

163. On 13 March 1991 the Government of Myanmar provided the Special Rapporteur with details about the charges against U Maung Maung, regarding whom the Special Rapporteur had sent an urgent appeal on 19 October 1990 (see E/CN.4/1991/17, para. 123). It was affirmed that he had not been subjected to torture or ill-treatment while under detention.

Letters and Government replies

164. On 28 January 1991 the Government of Myanmar sent a letter to the Special Rapporteur in reply to his letter dated 10 August 1990 (see E/CN.4/1991/17, para. 125) concerning alleged practices of torture in the country and transmitting the cases of Zaw Min, Myo Myint and U Soe Myint. The Government provided the Special Rapporteur with details about the charges against, trials and sentences of these three persons, and affirmed that while serving their prison terms they were neither subjected to any form of torture nor ill-treatment. Attention was also drawn to several laws safeguarding the fundamental rights of Myanmar citizens, in particular, section 43 (f) of the Police Act, which provides that whoever commits torture on any detainee is liable to both imprisonment and fine, and section 24 of the Evidence Act, which provides that any confession made by an accused person is inadmissible in a criminal proceeding if the court deems it was made under inducement, threat or promise relating to the charges against the accused. The Government

described as "totally unfounded" reports alleging that political activists opposing the Government were subjected to torture and ill-treatment in detention. All prisoners enjoyed rights such as regular visits by their families and medical treatment.

Niger

Letters

165. On 17 April 1991 the Special Rapporteur sent the Government of Niger a letter transmitting information according to which several individuals, including Abdoulhatif Mohamed, chief of personnel at the Tidekelt Corporation, Mohamed Ahmoudou, a teacher at Agaba High School in Tahoua and Taher Abdoulmoumine, a student at Tahoua High School, were allegedly arrested on 8 May 1990 and tortured at the Tahoua barracks. These persons were among 380 members of the Touareg ethnic group held in the Tahoua barracks, where cases of torture have been reported in the past. Subsequently, the above-mentioned persons, together with other detainees, were allegedly transferred to the Mobile Brigade at Niamey.

Nigeria

Urgent appeals and Government replies

166. On 28 June 1991 the Special Rapporteur sent an urgent appeal to the Government of Nigeria concerning several dozen students and a number of lawyers and journalists who were detained on or around 7 June 1991. The following names and details were given: Mallam Mahmud Abdul Amin, president of the Students' Union at the Benin University; Edokpolor Ighodalo, Rafael Rafindadi and Christian Omasoke, students at the Benin University; Aiyegbus Rufus and Oyedele Oyekola (Ilorin University) Koyode Ogundamisi (Jos University); Bamidele Aturu and Kola Odetola (Obefemi Awolowo University); Bamidele Opeyemi and Bola Aidi Tajudeen (Lagos Law School): Bunmi Olusona dn Biodun Ogunyemi (Ibadan University); Biodun Ajiboye and Olaitan Oyerinde (Lagos University); Yinka Orokoto, a lawyer from Lagos; Biodun Aremu, employee at the "National Population Commission"; and six employees of the Guardian newspaper, arrested following the closure of the newspaper on 29 May 1991: Bayo Oguntimehin (editor), Taiwo Akerele, Tunde Sulaimon and Ben Akparanta (reporters) and Bolaji Ogunye and Dam Enume (assistants). It was reported that the above-mentioned persons, as well as others detained following widespread student demonstrations, were being held incommunicado in various detention centres of the State Security Service, without charge or trial and with no access to their lawyers. It was alleged that the conditions of detention in such centres were poor and that detainees were denied adequate food and medical care. It was further alleged that several students had been subjected to torture in order to force them to sign statements implicating journalists, lawyers and human rights activists in the recent disturbances.

167. On 11 December 1991 the Government informed the Special Rapporteur that the arrested students and journalists had been tried in court and subsequently discharged. At no time during the course of their brief stay in police custody had any of them been forced or unduly influenced to make a statement to police and none of them had been tortured or denied access to his lawyer. They had all been released and their cases closed.

Norway

Letters and Government replies

168. On 18 October 1991 the Special Rapporteur sent a letter to the Government of Norway transmitting information alleging that Hassan Salem, a 34-year-old Palestinian student at the University of Oslo, was ill-treated by four or five policemen after a public demonstration against the Gulf War, on 26 January 1991. According to the source, the police officers jumped on him, threw him to the ground and handcuffed his hands behind his back while one of them kicked his leg violently. Hassan Salem was then thrown to the floor of a police van where three or four officers trampled on him. It was further indicated that upon arrival at the Oslo Police Station at Gronlandsipiret, he was flung to the floor, still handcuffed, and placed in a room where he was beaten, kicked in the chest and dragged along the floor. After his release, Salem reportedly had to undergo surgery for a broken shin bone.

169. On 13 December 1991 the Government replied, with regard to the above-mentioned case, that Hassan Salem had been apprehended on 26 January in the centre of Oslo. The police officer who apprehended him did so by seizing his arms. When Mr. Salem then tried to break away, he was pinned to the ground and it was later established that his right leg had been broken. Mr. Salem later reported the police officer who apprehended him to the police. The complaint was investigated by an independent committee responsible for the investigation of alleged criminal offences committed by members of the police force or the prosecuting authorities, which concluded that the police officer had violated section 237 of the Penal Code by exercising unnecessary violence against Mr. Salem. The committee also concluded that the other police officers who took part in the apprehension were not guilty and recommended that a fine of 5,000 Norwegian kroner be imposed on the police officer. The prosecuting authorities agreed with this recommendation. Upon the police officer's refusal to pay the fine, the case was referred to the Oslo City Court, which in a judgment dated 9 October 1991 acquitted the police officer. According to the Court:

> "It has not been proved beyond reasonable doubt that Mr. Salem's leg was broken by the "sweeping manoeuvre" performed by the person indicted, as set out in the writ that was not accepted. In the view of the court it is more probable that Mr. Salem's leg was injured after the person indicted had pinned him to the ground. Accordingly, the person indicted is acquitted."

Pakistan

Urgent appeals

170. On 12 March 1991 the Special Rapporteur sent an urgent appeal to the Government of Pakistan concerning Rahila Tiwana and Shehla Raza, activists of the People's Student Federation, who were being held in police custody in Karachi on suspicion of carrying weapons illegally. Rahila Tiwana was arrested on 24 December 1990 and taken to an interrogation centre where

she was allegedly beaten and ill-treated. Shehla Raza was arrested on 27 December 1990. Whilst in custody she was allegedly subjected to torture and intimidation. On 31 December 1990 she was ordered released by the Sind High Court, but was rearrested by police on 5 January 1991.

Letters

171. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Pakistan transmitting information according to which several persons had recently been subjected to torture in order to force them to give statements against leading members of the ousted Pakistan Peoples Party (PPP), including the former Prime Minister and her husband. The Special Rapporteur's attention was drawn in particular to three affidavits concerning Zahid Saeed, Atif Manzoor, alias s/o Manzoor Hussain, and Najam-ul-Hasan. Zahid Saeed was reportedly arrested by Saddar police during the night between 23 and 24 December 1990 in Karachi, and taken away by agents of the Criminal Investigation Agency (CIA). Several days later he was seen by his wife in a poor physical condition, with wound marks and bandages on his legs and hands. Mr. Saeed reportedly told his wife that he had been tortured and forced to sign various statements against himself and other PPP and People's Student Federation leaders. Atif Manzoor, alias s/o Manzoor Husain was arrested on 11 April 1990 by the CIA police in Karachi and later transferred to the Central Prison in Karachi. On 2 October 1990 he was again taken to the CIA Police centre, where he was allegedly severely beaten and tortured. Other detainees, named Ali, s/o Attar Khan, Naim-Ul Hasan, alias Babar Jamali s/o Ghulam (who was arrested on 11 June 1990) and Noor Nabi Abbasi, were also allegedly subjected to similar treatment. According to the sources, the purpose of the alleged torture was to extract statements against Mr. Arif Ali Zardari (Ms. Benazir Bhutto's husband) and other opposition leaders.

172. On 18 October 1991 the Special Rapporteur sent a letter to the Government of Pakistan transmitting information according to which torture in police custody of persons suspected of criminal or political offences was a common practice. Detainees were reportedly often kept in incommunicado detention for several days, during which time they were subjected to intimidation and ill-treatment. Methods of torture included: suspending prisoners by their ankles; beating them on the soles of their feet, ankles, knees and head; rolling heavy logs over their legs; giving electric shocks; burning the body with cigarettes; pulling out hair; threatening execution; threatening to harm relatives; deprivation of food and sleep; and rape.

173. In particular, the case of Atif Iqbal Bokhari, aged 18, was reported. He was arrested on 12 May 1989 in Kasur, Punjab province, by the local police. While in their custody, he was hung head downwards and was struck on the feet with a stick; he was also made to lie on the floor and a roller was pressed down and moved heavily over his bare thighs and legs. After several repetitions of this treatment, he fell unconscious and remained in a coma for two days.

174. In the same letter the Special Rapporteur also transmitted information alleging that women held in police custody were often subjected to more specific forms of torture, in particular rape. Thus, it was reported that

Bushra Bibi and Anwari were raped in August 1990 by prison officers at Sheikhupura District Jail, Punjab province, and that a medical examination confirmed the allegations.

175. Information was also transmitted on cases of death as a result of torture, including the following:

(a) Abdol Khaliq Mehar, arrested on 5 November, 1990, in Bachal village, Karachi, Sind province, by police officers from New Town police station. He was held in detention for a few hours, during which time he was severely tortured. As a result of his multiple contusions and wounds, he died in the Karachi Civil Hospital on 30 November 1990;

(b) Haroon Siddique, aged 25, was arrested on 5 August 1990, in Lahore, Punjab, and taken to the Nawan Kot police station where he was allegedly subjected to torture. On 15 August he was brought back to his home by policemen, apparently in a state of coma. He died in hospital three days later;

(c) Bhag Masih, aged 58, was arrested on 10 March 1990 in Gulberg, Lahore, and taken to the police station. When his relatives arrived they found him lying unconscious on the lawn outside. He died at the Services Hospital a few hours later.

Peru

Letters and Government replies

176. On 14 February 1991 the Special Rapporteur sent a letter to the Government of Peru transmitting information on the following cases of torture alleged to have occurred during 1990:

(a) Fidel Intusca Fernández, a driver at the Utec mines in San Juan de Lucanas, Ayacucho, arrested on 6 August 1990 by armed soldiers wearing hoods and taken to the military base at Puquio, where he was allegedly severely tortured. A few days later, he managed to escape and told the press that during his detention he had been hung from the roof, held under water to the point where he nearly lost consciousness, burned on his back and neck, beaten up, trampled and threatened with death;

(b) Ramón Lozano Panduro, a 33-year-old peasant, arrested together with other persons, including women and children, on 28 August 1990, by members of the security forces, in the Department of San Martín. He was taken to the Madre Mía barracks and released eight days later. During his detention he was allegedly tortured, among other things kept untied in a damp pit, beaten up and trampled on. Attempts were also made to hang him. As a result of this ill-treatment, Mr. Lozano still suffers pain throughout his body and constant pain in his kidneys and head;

(c) Rosaria María Carrasco López, 21 years old, arrested on 2 August 1990 when she went to the Technical Police station in Chimbote to pick up a certificate. The reason for her arrest was that a warrant had been issued from Abancay, Department of Apurímac, for one María Carrasco López for

the offence of terrorism. She was driven to Abancay, a distance of 2,137 kms, over 52 days. During the entire trip she was allegedly given insufficient food and clothing. At Technical Police headquarters in Cuzco, one of the places where the person bearing the same name had a criminal record, police officers allegedly punched and kicked her and threw her to the ground in order to make her confess. Since then Miss Carasco López has been suffering intermittent pain in the base of her skull and in her back, for which she is undergoing medical examinations;

(d) Bernabé Baldeón García, Jesús Baldeón Zapata and Santos Baldeón Palacios. On 25 September 1990, in Puccapaccora, province of Vilcashuamán, Ayacucho, soldiers from the Accomarca barracks allegedly forced the villagers to hand over their possessions and then ordered the above-mentioned three individuals to accompany them. They were taken to Pacchahuallhua, district of Independencia, where they were tortured. Mr. Baldeon García and seven other persons allegedly died after being tortured. The following persons were also said to have been tortured and then released: Fernando Baldeón, mayor of Pacchuallhua, Feliciano Urquizo, Francisco Carhuaz, Juan Urquizo Flores, Marciano Urquizo, Apolinario Gómez, Apolinario Díaz and Benigno Urquizo;

(e) César Sakamoto Sánchez, arrested on 1 November 1990 by members of the armed forces at the airport in Tarapoto, San Martín and taken to the Mariscal Cáceres de Morales Military Barracks. Mr. Sakamoto Sánchez was allegedly subjected to severe torture, including blows to the spinal column.

177. On 4 November 1991 the Government provided the following information on some of these cases:

(a) Intusca Fernandez, Fidel. His kidnapping was attributed to Army personnel, but was actually carried out by members of the San Juan de Lucanas mine in order to cover up their part in the theft of 59 explosives, which was attributed to subversive criminals;

(b) Lozano Panduro, Ramón. No background information is available concerning the arrest of this citizen. The only person whose name appears in the Ministry of Defence localization system is Segundo Abraham Lozano Panduro, and the personal particulars do not correspond to those of Ramón Lozano Panduro;

(c) Carrasco Lopez, Rosaria María. She was arrested for terrorism on 2 August 1990, at the request of the Correctional Court in Paurímac, by personnel of the Provincial Police headquarters in Santa-Chimbote. The administrative-disciplinary investigation conducted in this case determined that disciplinary responsibility lay with Chief of Police Angel Villa Sánchez and others, for negligence and lack of conscientiousness in performing their duties;

(d) Sakamoto Sanchez, César. He was placed at the disposal of the Anti-Terrorism Department (DIRCOTE) on 14 November 1990, and investigations showed that he is a member of the Movimiento Revolucionario Túpac Amaru (MRTA) and of the North-East column of the MRTA in the Department of San Martín. Mr. Sakamoto Sanchez has appeared on the list of inmates of the Miguel Castro Castro Prison, for terrorism, since 5 December 1990.

178. On 6 August 1991 the Special Rapporteur addressed a letter to the Government of Peru transmitting information on the following cases of alleged torture:

(a) Juan Apolinario González, a trade-union leader, arrested on 10 March 1991 by members of the security police in Paramonga, Lima. He was taken to Security Police headquarters, where he was allegedly beaten and tortured, among other things keeping his head under water and electric shocks. On 11 March he was taken to Technical Police Headquarters, where he underwent an official medical examination and was then released. On 14 March he filed a complaint of torture with the Office of the Provincial Prosecutor in Barranca, and with the Office of the Prosecutor for Human Rights and Defence of the People;

(b) Juan Arnaldo Salomé Adauto, 22 years old, a craftsman living in Sapallanga, Huancayo, arrested on 24 April 1991 by four heavily-armed men in peasant clothing. He was taken to the "9 December" military barracks, where he was allegedly subjected to torture, including beatings, electric shocks, being strung up by the feet and hands and forcibly held in water to confess to being a member of "Sendero Luminoso". On 11 June, one day after Mr. Salomé Adauto managed to escape from the barracks, four armed men in peasant clothing allegedly searched his home and beat his two brothers, 11-year-old Víctor Luis and 17-year-old Rodolfo Alberto.

179. On 9 December 1991, the Government reported, with regard to the case of Juan Apolinario González, that it had not been proven that he had been subjected to torture by members of the Security Police in Paramonga.

Philippines

Urgent appeals and Government replies

180. On 28 December 1990 the Government of the Philippines sent a letter to the Special Rapporteur in reply to his urgent appeal dated 12 September 1989 (E/CN.4/1990/17, para. 127), transmitting a list of 25 detainees suspected of membership in the New People's Army, who were allegedly tortured while in detention. A case report prepared by the Commission on Human Rights of the Philippines was attached to the letter, providing further details on the investigation of the case. It confirmed that 21 of the 25 still in detention claimed having been tortured, and added the following:

> "The Commission on Human Rights immediately directed its Quick Reaction Team (QRT) to visit the detainees, but the team was not allowed to see the detainees for lack of written authorization from the Chairman of the Commission. Thus, on 31 July 1989, by virtue of a mission order, officers from the Legal Aid and Counselling Division of the Commission went to Camp Bagong Diwa, together with the Medical Action Group personnel headed by Dr. Annabel Sumayao, to conduct medical check-up of the 25 detainees. The officers recommended that the case of the detainees be referred immediately to their lawyers so that their rights will be protected. ... The Commission's Quick Reaction Team, who went to Camp Bagong Diwa to get the affidavits and for a medical check-up by the CHR Forensic Chief, was informed that the detainees had already given

their statements with the Task Force Detainees. On the other hand, Dr. Reynante Basas of the Commission reported that among those 16 detainees he had examined clinical manifestations of contusion, sprain and myalgia as per findings of the Medical Action Group had already disappeared, except for three others whose signs or symptoms of contusion are still prominent. On 25 August 1989, the Legal Aid and Counselling Division who went to Bicutan for the signing of the affidavits of the detainees was informed by a certain Attorney Jorge Gaduang that he will have to confer with the other lawyers handling the case before allowing the detainees to sign the affidavits. Up to date, the detainees refused to sign the affidavits. Meanwhile, four detainees were already released, namely: Virgilio Tesoro, Luther Candido, Edgardo Duce, Arnel Castillo. The investigation of this case is hampered by the lack of cooperation of the detainees. The case is considered closed in so far as the investigation aspect is concerned and the case has been submitted to the Commission for resolution."

181. On 12 March 1991 the Special Rapporteur sent an urgent appeal to the Government of the Philippines concerning Manuel Capitulo, aged 25, Almar Lusong, aged 28, and Antonio Hondor, aged 26, who were arrested on 8 February 1991 by members of the army in Pampang Market, Angeles City. The three men were believed to be held in incommunicado detention at the 702nd IB Army Camp based in Belen Homesite, Santo Cristo, Angeles City. It was reported that local military authorities at first denied holding the three men in custody, and that on 13 February 1991 their detention was acknowledged, but their relatives were told that they could not be produced because they were undergoing interrogation. Fears were expressed that they might be interrogated under torture.

Letters and Government replies

182. On 28 December 1990 the Government of the Philippines sent a letter to the Special Rapporteur in reply to his letter dated 6 June 1990 (see E/CN.4/1991/17, paras. 134-138). Two case reports prepared by the Commission on Human Rights of the Philippines were attached to the letter, providing details about 10 of the 11 detainees (mentioned in para. 135 of the above-mentioned report), who were allegedly tortured in the period March to May 1989.

(a) Regarding Honorio Ayroso, Stanley Marvin Pengson, Marcelito Clemente and Eduardo Bagtas, the case report stated as follows:

"Ayroso et al were reported to have been severely beaten and subjected to other forms of torture during the period March-May 1989. Acting on the said report, the Commission on Human Rights through its special investigators made an immediate inquiry to the Provincial Jail of Rizal. It was found out that the subjects, with the exception of Eduardo Bagtas, were no longer detained".

Eduardo Bagtas, who was previously charged with murder, at present

"has another case before the Prosecutor of Makati which is now under preliminary investigation. In both cases, he is assisted by a certain Attorney Marinas of the Free Legal Assistance Group. The subject denied that he was tortured or maltreated while detained. Per investigation made to RTC Branch 152, Pasig, Metro Manila where the criminal cases of Ayroso, Marvin and Clemente were instituted, the records showed that they were all acquitted of their charges for insufficiency of evidence to prove guilt beyond reasonable doubt. This case was recommended to be considered terminated because of the finding that due process of law had been properly observed."

(b) Regarding the cases of Wilfredo Pili, Steven Pasion, Claudio Suangco, Geronaga Malibi, Edgardo Mamuntug and Pedro Calilang, it was reported that the Commission had received information according to which they were tortured during their detention. The first four had their cases definitively or provisionally dismissed and they were released. Further investigation into their torture allegations was needed and an update report would be made once substantial information was gathered by the investigators of the Commission on Human Rights of the Philippines.

183. On 14 February 1991 the Special Rapporteur addressed a letter to the Government of the Philippines transmitting information according to which numerous citizens were subjected to torture in recent months while held in detention by Philippine security forces. Victims were generally said to be sympathizers or members of the New People's Army (NPA) and the officials said to be responsible for the alleged torture were mostly members of the military. The following detailed cases were reported:

(a) Vigilio Jacob, a trade union organizer, was arrested on 10 November 1990 by Navotas police and was allegedly tortured while in detention. A MAG medical team was sent to Navotas municipal jail to examine Jacob. Its members, Dr. Ireneo Baguden, 30, Mr. Eliseo Constantino, a 23-year-old psychologist, and Ms. Gina Villanueva, a 23-year-old nurse, were allegedly blindfolded, handcuffed, and ill-treated by officials while in the jail;

(b) Vincente Ladlad, allegedly the head of the education department of NPA, was arrested on 14 August 1990 and was allegedly severely tortured during the course of interrogation.

184. Numerous torture cases were reported to have occurred in the Isabela region and were said to have been perpetrated by a group of soldiers led by a lieutenant whose name was transmitted to the Government. The cases of the following persons were reported: Culas Collado, detained on 11 June 1990; Ben Duarte, detained on 13 June 1990; Junior Manili, detained on 15 June 1990; and Juanito Oliva, Bonifacio Pascua and Bernaldo Bitamog, detained on 16 June 1990.

185. The following case of alleged torture resulting in death was reported. Jaime Melad, a 60-year-old farmer from Brgy Namnama (Isabela), was arrested with his sons Edgar and Dominador on 17 October 1990. The three were reportedly tortured before being taken to the 41st IBPA detachment on 21 October 1990. On that day, Jaime Melad was taken to Brgy, San Vicente,

where he was severely beaten and later allegedly killed by officials. Although the cause of death could not be determined, his body was said to be covered with bruises, particularly on his chest, hips, back and head.

Portugal

Letters

186. On 6 August 1991 the Special Rapporteur sent a letter to the Government of Portugal transmitting information alleging that the conditions of detention in the Vale de Judeus prison in Alcoentre, were extremely bad and that torture was used. According to the source, 15 persons died in that prison in 1990 under circumstances which have not been clarified. The following cases were transmitted to the Government:

(a) Manuel Tavares Mendonca, a prisoner from Cape Verde, was allegedly subjected in April 1991 to various forms of torture, including beatings and cigarette burns, while he was hanging with his feet and hands in the air and a stone tied to his genital organs;

(b) Five German prisoners, Manfred Reffel, Günther Radtke, Udo Mayer, Erich Klein and Werner Egner, were allegedly subjected to inhuman conditions of detention and one of them, Günther Radtke, suffered side-effects of the beatings he received in March 1990.

187. Two other cases of ill-treatment were brought to the attention of the Government:

(a) Isidro Albuquerque Rodrigues, a metal worker from the town of Amadora, close to Lisbon, was arrested on 26 June 1990 by members of the Fourth Brigade of the Judicial Police and taken to their station in Setubal. On the way there, the officers allegedly beat Rodrigues and when they arrived at the station, a group of 10 to 12 officers of the Fourth Brigade questioned him between 6 p.m. and 3 a.m. During the questioning he was kicked and punched and beaten with a metal shower pipe. He was beaten over the ears and jaws and had several teeth were broken. According to the source, in October 1990 Mr. Rodrigues lodged an official complaint with the Prosecutor in Setubal and asked for the officers of the Fourth Brigade of the Judicial Police in Setubal who had beaten him to be identified and for criminal proceedings to be instituted against them;

(b) Marcelino Baessa, from Cape Verde, was questioned on 10 August 1990 by a group of officers of the National Republican Guard who took him to their station in Fort Almada. On arrival at the station he was kicked and punched by a group of officers. He was also doused with a high-pressure water hose. The next day he was released after appearing before a court in Almada. On 12 August he received medical treatment at the District Hospital of Almada for superficial injuries and bruises. According to the source, Mr. Baessa lodged a formal complaint on 22 August 1990 with the Almada Prosecutor demanding an inquiry into the circumstances of the incident and charging the officers of the National Republican Guard with responsibility. According to the source, the outcome of Mr. Rodrigues' and Mr. Baessa's complaints are not known.

Republic of Korea

Letters and Government replies

188. On 6 August 1991 the Special Rapporteur sent a letter to the Government of the Republic of Korea transmitting information according to which prisoners, both those detained for anti-State activity and common law suspects, had allegedly been subjected to torture and ill-treatment over the previous few months. The alleged ill-treatment principally consisted of beatings and prolonged deprivation of sleep. Most of the cases reported concerned members of the Sanomaeng group (Socialist Workers League), who were arrested in September and October 1990. Others concerned members of the Chamintong group (Independent National Unification Group), arrested in December 1990. The following individual cases were reported:

(a) Lee Song-Su, aged 27, an ex-student of Sung Kyun-Kwan University, was arrested as a suspected member of the Sanomaeng group. On 23 October 1990 he reportedly told his lawyer that he had been beaten by his interrogators because he refused to answer their questions;

(b) Hyu Jung-Dok, aged 27, a suspected member of Sanomaeng, told his lawyer on 1 November 1990 that he had been kept awake for three consecutive nights, stripped and beaten soon after his arrest;

(c) Park Ki-Pyong, the alleged leader of the Sanomaeng group, was arrested in March 1991 and also alleged that he had been beaten and denied sleep for several nights during his interrogation;

(d) Other members of Sanomaeng who claimed to have been ill-treated were Chang O-Yong, Chon In-Hyun, Kim Ok-Hyun and Chong Mi-Hwa.

189. In December 1990 it was announced that some 30 members of the Chamintong group were arrested. According to several of the detainees' families, their sons were stripped and beaten with wooden bars, kicked and stepped on while being forced to kneel down on the floor. Members of the group who alleged having been beaten, kicked or deprived of sleep for several days included Kim Yo-Sop, aged 25, a graduate of Hanrim University, Choi Won-Guk, a former student, Kim Gi-su, a student at Kyung-hee University, Kim Dong-Kyu, aged 24, a student, and Hun Jung-Sook, aged 24, a female graduate of Kyung-hee University.

190. In October 1990 several thousand suspected common criminals were arrested in a large-scale operation announced as "War against crime". On 21 October 1990 a local newspaper reported that at least eight criminal suspects, including Kong Pyong-Chin, aged 20, were alleged to have been beaten by police interrogators.

191. By letter dated 14 November 1991 the Government sent the following information with respect to the above-mentioned cases:

(a) Mr. Lee Song-Su. During an interview with his lawyers and mother on 16 October 1990 he stated that he had not been tortured. Although at a later stage, Mr. Lee claimed that he had been tortured during the investigation, both the district court and the appellate court rejected the complaint concerning his alleged torture;

(b) Mr. Hyun Jung-Dok. After his arrest, Mr. Hyun exercised the right to be silent for 10 days, but he subsequently made a confession after being faced with various evidence. On 6 October 1990, he told his mother at a detention centre that he had never been harshly treated;

(c) Mr. Park Ki-Pyong. He admitted spontaneously facts which constitute violations of the National Security Law, not only during the trial proceedings but also during the investigation. Furthermore the court rejected the complaint concerning his alleged maltreatment;

(d) Chang O-Yong, Chon In-Hyun, Kim Ok-Hyun, Cong Mi-Hwa. Contrary to the allegation mentioned in the Special Rapporteur's letter, all of them had stated in court that they had not been ill-treated during interrogation procedures. Among them, Ms. Chang was sentenced to one year in prison but released on probation;

(e) Kim Yo-Sop, Choi Won-Guk, Kim Ki-Su, Kim Dong-Kyu, Hun Jung-Sook. They allegedly claimed in court that they were ill-treated during interrogation. The court, however, rejected their allegations. Their cases are pending at the Supreme Court, except the case of Ms. Hun, who was sentenced to one year in prison but released on probation;

(f) Kong Pyong-Chin. On 18 October 1990, Mr. Kong was arrested by the police on a charge of blackmail. During the interrogation at the police station, faced with all the evidence of three policemen, Mr. Kong still refused to admit the charge and to state the whereabouts of his accomplices. Trying to extract a confession from Mr. Kong, the interrogators forced him to kneel on the floor. Even though the above-mentioned ill-treatment could be considered trivial, the police disciplinary committee reprimanded them, as well as two senior policemen, with a caution. On February 1991, Mr. Kong was sentenced to 10 months in prison with a stay of sentence for two years.

Romania

Letters and Government replies

192. On 18 October 1991 the Special Rapporteur sent a letter to the Government of Romania concerning Mr. Ioan Gug, a resident of Oradea, who was arrested on 19 December 1990 at the Piata Republicii tramway station in Oradea after he had taken part in a peaceful demonstration. According to the information received, immediately after his arrest, he was beaten in the abdomen and, on arrival at the police station, thrown on the ground and beaten several times by the policemen until he became unconscious. When he regained consciousness, he was transferred to another police station where he was beaten up by several policemen. He was reportedly forced to make a statement and was then released. According to the source, the medical certificate issued two days

later by the Judetul Bihor Localitatea Oradea Unitatea Institute stated that he had been beaten and that would require two or three days's medical treatment.

193. In a letter received on 4 December 1991, the Romanian Government replied that Mr. Ioan Gug had never been arrested. The Government indicated that, on 19 December 1990, the Bihor Democratic Alliance had organized a peaceful demonstration for which permission had been granted and that it ended at 7 p.m. Afterwards, several participants in the demonstration went to the centre of town in front of the Mayor's Office where they brought the traffic to a halt and aroused the anger of many of the citizens. The police officers took the necessary steps to remove the participants and asked some of the leaders, including Mr. Ioan Gug, to go to police headquarters for identification purposes. Mr. Ioan Gug was fined 500 lei - a civilian penalty. Mr. Ioan Gug then took his case to the Oradea military prosecutor and submitted a medical certificate which stated that he had been beaten up and that two or three days' medical treatment was necessary. After hearing Mr. Gug, the military prosecutor realized that he was unable to provide any information or evidence to identify the persons who attacked him. Under the circumstances, despite the efforts by the military prosecutor to conduct an inquiry and since Mr. Gug has gone abroad and has not returned, the case has been closed.

Rwanda

Urgent appeals

194. On 5 March 1991 the Special Rapporteur sent an urgent appeal to the Government of Rwanda transmitting information concerning the following persons: Emmanuel Havugimana, Justin Kanamugire, Laurent Karugarama and Ezekiel Ngoboka, all members of the Tutsi ethnic group who were reportedly held in the Gisenyi prison, under suspicion of having links with a rebel Tutsi group known as the Rwandese Patriotic Front. Emmanuel Havugimana, a teacher at the Rwankeri college, and Justin Kanamugire were allegedly arrested by soldiers on 30 January 1991 in the Rwankeri clinic. Laurent Karugarama and Ezekiel Ngoboka, university students at the Adventist University of Central Africa, were allegedly arrested on 3 February 1991 on the university campus. They were all beaten and ill-treated by members of the Rwandese security forces. Ezekiel Ngoboka reportedly had his face slashed by a machete and he was injured in the leg. Laurent Karugarama allegedly was beaten and had bruises all over his body. Since their arrest, it is said that the four prisoners have not been allowed any visits by their relatives, they have been denied medical treatment and their conditions of detention are extremely harsh. Given this information, fears have been expressed about the health and the physical integrity of these persons.

Letters and Government replies

195. On 14 February 1991 the Special Rapporteur sent a letter to the Government of Rwanda transmitting information to the effect that Mr. Alfred Chafubire died in detention. According to the information received, Mr. Chafubire, a pastor of the Episcopalian Church and principal of the secondary school in Gahini, in the prefecture of Kibungo, was arrested on 6 December 1990 and transferred to the detention centre in Rwamagana, where

he died the same day. According to witnesses who allegedly saw his body the next day, his limbs seemed swollen and showed traces of very violent torture which caused his death. The same source reported that no inquiry was conducted to establish the cause of death, as required by law. Mr. Chafubire belonged to the Tutsi ethnic group, which, according to this source, is the dominant force in the Uganda-based rebel movement which attacked the north-east region early in October 1990. Many people suspected of sympathizing with the movement were said to have been arrested recently and many of them were reportedly beaten and otherwise ill-treated. Several of the 13 people tried on 3 January 1991 by the Court of State Security told the Court that they had been beaten and ill-treated by members of the security forces to force them to confess. However, according to the source, the court did not take those allegations into consideration.

196. On 20 May 1991, the Government transmitted a copy of pre-trial proceedings No. 1488/05 of 20 March 1991, published by the Ministry of Justice, concerning the "Inquiry into the cases of detainees and release of accused persons who were unjustly detained".

Saudi Arabia

Letters and Government replies

197. On 14 February 1991 the Special Rapporteur addressed a letter to the Government of Saudi Arabia transmitting information alleging that numerous incidents of torture or ill-treatment had been perpetrated in the previous months by Saudi Arabian officials. Most of the victims were said to be of Yemeni nationality or descent and were among hundreds of Yemeni nationals arrested during September 1990. Torture allegedly occurred during arrest and detention and included severe beating, falaqa (beatings on the soles of the feet), sleep deprivation, total submersion in water and electric shocks. Two individual cases, those of Amin Shenad al-Shawafi and Said Abdo Abrahim al-Shami, were reported in particular.

198. On 28 February 1991 the Government replied that the allegations were "completely fabricated and groundless", and added the following:

> "Yemeni citizens living in the Kingdom of Saudi Arabia are well considered by its Government and people ... However ... the Government of Saudi Arabia had previously granted exceptions for the Yemeni population from some rules and regulations applied to foreigners working in Saudi Arabia, but these privileges enjoyed by nobody else have been cancelled. These actions are not levelled against the Yemeni people but they are in response to the irresponsible behaviour of the Yemeni Government during the occupation by Iraq of the State of Kuwait."

Senegal

Letters

199. On 14 February 1991 the Special Rapporteur sent a letter to the Government of Senegal transmitting information to the effect that the cases of torture and cruel treatment had increased in the Casamance region, in the

south of the country, in the second half of 1990. In a number of cases prisoners had allegedly died after being tortured in prison. Most of these cases were of persons suspected of being members or sympathizers of the separatist movement known as the Casamance Democratic Forces Movement (MFDC) or of persons suspected of supplying them with arms or food. However, in some cases close relatives of the members of the Movement were also arrested and tortured. The following cases of persons who died as a result of torture were transmitted:

(a) Assoua Diabone, a peasant aged 40 from Oussouye, arrested in June 1990 by a patrol of the Mobile Security Brigade, apparently because his name was on a list of members of the separatist movement. He was transferred to the police station in Oussouye where he was said to have been badly beaten with clubs. According to the report, he received no treatment for his injuries and died on 18 June;

(b) Ganguilo Djibalène, a peasant aged 30 from Oussouye, arrested in July 1990. He was allegedly tortured, transferred to the Ziguinchor hospital and later to the prison in Dakar, where he died apparently as a result of the injuries he had received;

(c) Sékou Mary, known also as Agnocoune, a peasant aged 58 from Kabiline. He was arrested on 23 October 1990 by the Gambian police in Brikama, where he had taken refuge with nine other Senegalese and was handed over to the Senegalese authorities. He reportedly died after being tortured by members of the Diouloulou police force;

(d) Younouss Djiba, a peasant aged 27 from Kaguitte, in the Department of Ziguinchor, and Ampa Dakar, from Yotou, in the Department of Oussouye. Both men were suspected of being members of the MFDC and were arrested by the security forces early in October 1990. They were reportedly beaten to death by members of the armed forces stationed at the Kaguitte barracks.

200. The other cases of torture reported concern the following persons:

(a) Binta Niassy, aged 33, arrested on 24 June 1990 in Kabiline, when soldiers were looking for her husband, Tata Sudio, who was away. The soldiers reportedly beat Mrs. Niassy, who was pregnant, forced her to lie on the floor of a military vehicle and several of them whipped her and others trampled on her. Shortly after her release, without any charges, she had a miscarriage;

(b) Laminé Sané, aged 30, from Diafar-Douma, Department of Sédhiou, and Fatoma Diatta, from Tendouck, Department of Bignona. They were arrested by police in Bignona, in June 1990, after a grenade attack which wounded 10 people. According to witnesses the two men were allegedly stripped naked and tied to poles at the police station in Bignona, in front of the Prefect's residence. They were reportedly left in the blazing sun and to the stares of passers-by for a whole day, and members of the security forces burned their skin with lighted cigarettes;

(c) Louis Sadio, aged 75, and Lamine Ladio, aged 70, as well as other people from the village of Kartiak, in the subdivision of Tendouck, in the Department of Bignona, were allegedly arrested by members of the army and the police force on 13 July 1990 and they were whipped and pounded with blows from rifle butts;

(d) Atome Manel Diatta, aged 55, and Viviane Sagna, as well as 7 other women from the district of Colobane, in the Department of Oussouye, arrested in July 1990 by army personnel searching for members of the MFDC. The women were apparently transferred to the police station known as "Rue de Thiong", in Dakar, where they were deprived of food and water for a week.

Singapore

Letters

201. On 18 October 1991 the Special Rapporteur addressed a letter to the Government of Singapore transmitting information concerning the practice of caning, a form of punishment which is allegedly mandatory for a number of crimes, including attempted murder, armed robbery, rape, drug trafficking, vandalism and illegal immigration. In particular, the case of Qwek Kee Chong was reported. In 1987 he was convicted on four charges of armed robbery and sentenced to 10 years' imprisonment; he was also ordered to be given 12 strokes of the cane on each of the four charges. On 8 April 1988, he was given 48 strokes of the cane, all in one continuous session at Changi prison. According to family members, Qwek had to be hospitalized at the Changi prison hospital after the caning.

South Africa

Urgent appeals and Government replies

202. On 25 February 1991 the Special Rapporteur sent an urgent appeal to the Government of South Africa concerning Thamsanga Jack, aged 35, who was arrested on 6 February 1991 at the East London Airport as he returned to the country after several years' absence. It was reported that he was being held in an undisclosed place of detention, under section 29 of the Internal Security Act of 1982 which permits the police to hold a person incommunicado indefinitely and in solitary confinement, for the purposes of interrogation. In view of past reports that persons detained under the terms of section 29 had been subjected to torture or ill-treatment, and that two persons have died while being held under that provision, fears were expressed that Mr. Jack might be in danger of being tortured while in custody.

203. On 12 June 1991 the Special Rapporteur sent an urgent appeal to the Government of South Africa concerning Friedrich W. Brenner, an Austrian citizen, who was detained at the central male prison in Pretoria, serving a 25-year prison sentence after being convicted of murder in 1987. Mr. Brenner had reportedly been shot on 21 June 1986, during the incident which led to his trial and conviction, and, according to the source, his state of health was deteriorating; in particular, it was reported that his left lung was not functioning, his left arm was numb and his eyesight was severely

impaired, probably owing to blood clots resulting from internal haemorrhage. It was alleged that Mr. Brenner had not been given adequate medical treatment, and serious concern was expressed for his physical integrity.

204. On 8 August 1991, the Government provided the Special Rapporteur with the following information concerning Mr. Brenner:

> "Mr. Brenner has been examined by a neurologist who reported as follows:
>
> He has high blood pressure with tachycardia from time to time;
>
> His EEG record is normal;
>
> His black-outs have cleared up;
>
> He has diminished sensation of the left arm which is due to the shooting incident and head injury. The condition is stabilized and no specific treatment is indicated;
>
> It is doubtful whether there is anything which could be offered Mr. Brenner for his double vision, apart from prism lenses.
>
> Mr. Brenner was also examined by an opthalmic surgeon who reported that muscle motility tests were completely normal.
>
> The Commanding Officer of the Pretoria prison has recently confirmed that Mr. Brenner has received a new pair of spectacles and has been placed on medication for his blood pressure. The prison authorities have further given the assurance that Mr. Brenner's medical condition is monitored on a continual basis and that he will receive medical treatment whenever necessary."

Letters

205. By letter dated 18 October 1991 the Special Rapporteur transmitted to the Government of South Africa information alleging that members of the South African Police had arrested Frans Mahuma, Thomas Mavundla, Thomas Monene and Elliot Rampau on 23 July 1991, in Khutsong township outside Carletonville. In statements made to their lawyer shortly after their release a few days later, without any charges being brought against them, these persons said that they had been tortured during interrogation to make them confess to certain crimes. Each of the four alleged that he had been forced to lie on the floor of a room in the police station with his hands tied behind him and his legs tied together with a rope. Three had sacks or bags placed over their heads. Each of the four said that the police had placed a metal rod either between their wrists, which were tied together, or between their legs, and attached wires to their fingers, ankles or lower backs. Electric shocks had been administered until they had agreed to sign confessions.

Spain

Letters and Government replies

206. On 16 January 1991 the Government of Spain transmitted to the Special Rapporteur a copy of the verdict by the National High Court on the offences committed by Henri Parot (E/CN.4/1991/17, paras. 152-153). According to the verdict, Mr. Parot's allegation that he had been subjected to torture and ill-treatment when he was questioned contradicts what he himself told the forensic physician who examined him and does not tally with the report of his medical examination.

207. On the 17 April 1991 the Special Rapporteur sent a letter to the Government of Spain transmitting information he had received alleging that 34 people had been arrested during an operation carried out by the Guardia Civil and the National Police on 18 and 19 November 1990 in the Basque provinces and Navarre. Some of them have allegedly been released and are claiming that they were beaten and subjected to ill-treatment in custody. Arrate Lejarza and her sister Estibalitz were allegedly detained in Basauri. According to a forensic physician who examined them, both women showed signs of torture. Jesús María Salterain, who was detained in Abadiño, was also examined by a forensic physician who reportedly found marks caused by electric shocks administered to various parts of the body. Mr. Salterain is currently in the Carabanchel prison in Madrid.

Sri Lanka

Urgent appeals

208. On 22 May 1991 the Special Rapporteur sent an urgent appeal to the Government of Sri Lanka concerning Florence Ariamalar Gnanakone, who was reportedly arrested on 9 May 1991 in Colombo by the Criminal Investigation Department (CID). According to the source, from 9 to 15 May 1991 she was detained at Police Headquarters, Colombo Fort, where she was severely mistreated. Following the recommendation of a prison doctor, Mrs. Gnanakone was transferred to Colombo General hospital on 15 May, but 48 hours later she was taken to Welikada Remand jail, where she suffered physical abuse and repeated verbal harassment.

209. On 15 October 1991 the Special Rapporteur sent an urgent appeal to the Government of Sri Lanka concerning Dr. S.C. Fernando, a medical doctor, held in Welikanda prison hospital in Colombo. Dr. Fernando had reportedly been held since August 1987 in incommunicado detention, without trial, on unspecified charges. He had allegedly been subjected to physical and psychological torture, and fears were expressed that his physical and mental integrity might be in danger.

Sudan

Urgent appeals and Government replies

210. On 20 December 1990 the Special Rapporteur sent an urgent appeal to the Government of Sudan concerning three well-known politicians from southern

Sudan arrested in Khartoum. Their names were Peter Cirrilo, Governor of Equatoria from 1986 to 1989, Eliaba James Surur, Chairman of the People's Progressive Party, and Samuel Arrew Boll, Chairman of the Southern Sudanese Political Association and former Deputy Prime Minister. All were said to be held incommunicado, without having been charged with any offence. It was also reported that Peter Cirrilo had been severely tortured.

211. On 18 February 1991 the Government replied, describing the information received by the Special Rapporteur as

> "completely untrue, as the concerned Sudanese authorities did not arrest the [persons] mentioned following a meeting between southern politicians and the Head of State. No one of the [persons] mentioned had even been subjected to physical torture, neither were they being denied access to proper medical facilities, or their families".

212. On 23 April 1991 the Special Rapporteur sent an urgent appeal to the Government of Sudan concerning Professor Moses Macar, aged 45, the Principal of the University of Juba, and Professor Richard Hassan Kalam Sakit, a surgeon and the Dean of the Faculty of Medicine at the same university. Both were arrested at the end of March 1991 in Khartoum, reportedly on suspicion of having contacts with the opposition group known as the Sudan People's Liberation Army. Both were reported to be held incommunicado, without charge, in secret detention centres in Khartoum. According to the source, over 60 people arrested since November 1989 had been tortured by members of the "Security of the Revolution" while detained in secret detention centres in Khartoum.

213. On 7 May 1991 the Government informed the Special Rapporteur that Prof. Moses Macar and Dr. Richard Hassan Kalam Saket were among the 299 political prisoners who were set free on 1 May 1991.

214. On 7 June 1991, the Special Rapporteur sent an urgent appeal to the Government of Sudan concerning Mansour Atta, said to be a political prisoner held in Port Sudan. Serious concern had been expressed that his physical integrity, and even his life, might be in danger, following reports that his brother, Gafar Atta, died on 19 May 1991 in the same prison, allegedly as a result of the torture to which he had been subjected.

215. On 24 October 1991 the Government of Sudan replied, with respect to the case of Gafar Atta, that he had been arrested in Port Sudan for questioning and subsequently released. However he died of typhoid 10 days later, as certified in a medical report. As for Mr. Mansour Atta, no person with this name had ever been arrested in the country.

216. On 23 September 1991 the Special Rapporteur sent an urgent appeal to the Government of Sudan concerning Adam Mohamed Adam and Hussein Abdul Karim, who were reportedly sentenced by the Supreme Court in Sinnar, Central Sudan, to amputation of the right hand after being found guilty of stealing flour and sugar from a shop. It was also reported that the sentences, which had been submitted to the High Court in Khartoum for review, were the first judicial amputation sentences to be imposed under the new Penal Code based on the Islamic Shariá Law, which came into force in March 1991.

217. On 8 October 1991 the Special Rapporteur sent an urgent appeal to the Government of Sudan concerning Haroun Abdel-Karim, who had reportedly been sentenced by the High Criminal Court of Al-Fasher, Northern Darfur state, to cross-limb amputation (right hand and left foot) after being found guilty of armed robbery. It was also reported that the sentence, which could still be referred to the Supreme Court in Khartoum, was the third judicial amputation sentence to be imposed under the new Penal Code.

218. On 25 November 1991 the Government replied, with respect to the case of Haroun Abdel-Karim, that this person had been charged and convicted by a criminal court of serious crimes connected with armed robbery. The sentence, however, had not yet been confirmed by the high court. The Government added that crimes related to armed robbery had had a devastating effect and caused great loss of life in Sudan in general and in the state of Darfur in particular.

219. On 4 November 1991 the Special Rapporteur sent an urgent appeal to the Government of Sudan concerning the following persons:

(a) Muawia Jaffar, a police officer who was arrested in Khartoum on 14 October 1991 by "Security of the Revolution" officers, reportedly after having prevented security officials from entering a sector of the airport for which they had no authorization. It was alleged that he was severely beaten and then dumped in a back street in Khartoum;

(b) Zein Al-Abdin Al-Tayib Osman, aged 21, an unemployed graduate, reportedly arrested in the town of Sennar in Blue Nile province in early October 1991 on suspicion of distributing anti-government leaflets. It was alleged that he was beaten and subjected to electric shocks at an interrogation centre in Sennar before being transferred to hospital in Sennar where he is reportedly held under guard;

(c) Adnan Zahir Surur, Anwar Abbas and Amar Abdel Khalig, allegedly arrested in Khartoum in August 1991 and since held incommunicado without charge or trial in a secret detention centre. Adnan Zahir Surur had reportedly been arrrested twice before.

In the light of previous reports according to which people detained under similar circumstances were said to have been tortured by members of the "Security of the Revolution" while detained in secret detention centres, fears were expressed that the three aforementioned persons might have been subjected to torture.

Letters

220. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Sudan transmitting information according to which over 300 political prisoners were still kept in solitary confinement in secret prisons known as "ghost houses". It was further reported that several of those held at the Shalla prison were in urgent need of medical attention. The following names were given: Abdelmoneim Salman, aged 65, a teacher, suffering from diabetes, blood pressure and gall bladder disease; Samir Girgis, aged 60; Al Tayeb Gedeiri, a lawyer; Ahmed Abdel Mula, a pharmacist; Al Tayeb Gediri,

a lawyer; Galal Al Din Al Sayed, a lawyer; Usheiri Ahmed Mahmoud, an assistant at the university; Hamuda Fatah al Rahman, a doctor; Farouq Koudoda, an assistant at the university, Khery Abdel Rahman, an engineer; Siddiq Al Zilaei, a journalist; Al Sheik Al Khider, a civil servant; Naguib Nagem El Din, a doctor; Ali al Mahxxi Al Sakhi, a labourer; Kamel Abdel Rahman Sheik, a labourer; Mahgoub Osman Moh. Khier, a journalist; and Kamal Al Gezouli, a lawyer who had been held in the prison of Port Sudan.

221. The following detainees, whose detention place was not reported, had allegedly been subjected to torture: Mohammed Omar Mirghani, aged 62, ex-director of the Sudanese Railway Company; Mokhtar Abdullah, a trade union activist; Yussef Hussein, a former journalist, arrested on 11 January 1990; Abedel Moneim Osman, an economist; Nagi Eldayeb, a pharmacist; Yacoub Mohamed Ahmed; and Hassan al Imam, allegedly tortured to death in the office of the Sudanese Security Services.

Thailand

Letters and Government replies

222. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Thailand transmitting information according to which seven asylum-seekers from Myanmar were severely beaten and ill-treated by Thai police officers at the Suan Phluu immigration detention centre (IDC) in Bangkok. Their names were reported as follows: Myo Min Oo alias Aung Naing Oo, aged 25; Aung Win, aged 19; Maung Maung Lwin; Win Aung, aged 24; Aung Htun, aged 29; Aung Naing Oo, aged 21; and Win Thein, aged 26. The incident reportedly followed a demonstration by asylum-seekers in the detention centre, when immigration police officers and prisoner "trusties" allegedly beat and kicked the asylum-seekers. The beatings allegedly included the use of batons and pistol butts. The most serious injuries were allegedly sustained by Myo Min Oo, alias Aung Naing Oo, Aung Win and Win Aung, who reportedly complained of possible bone fractures and other untreated injuries.

223. On 18 June 1991 the Government informed the Special Rapporteur of the findings of an investigation held into the above-mentioned incident by the Royal Thai Police Department. It emerged that, in order to break up disturbances caused by illegal immigrants from Myanmar who were detained at the Suan Plu Immigration Detention Centre in Bangkok, and to prevent other illegal immigrants nearby, who did not take part in the disturbances, from being harmed, immigration officials tried to separate the illegal immigrants from Myanmar from the others. During this operation the Myanmar immigrants offered resistance and attacked the officials, who none the less finally succeeded in breaking up the disturbances. It was affirmed that none of the said illegal immigrants from Myanmar was beaten by the officers, and that the immigrants were later able to receive a visit and to be interviewed by a representative of a United Nations organization.

Togo

Letters

224. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Togo transmitting information to the effect that the Togolese security

forces resorted to violence to crush trade union and student demonstrations in various cities of the country during October and November 1990. A mechanic named Komi Frédéric Guenou, aged 21, was allegedly said to have been badly beaten on 26 November 1990 by an unidentified soldier who cut off his right hand.

Tunisia

Urgent appeals and Government replies

225. On 18 May 1991 the Special Rapporteur sent an urgent appeal to the Government of Tunisia transmitting information concerning Noureddin Bhiri, a lawyer who was reportedly arrested without a warrant on 20 February 1991, and who since then has been kept in police custody. According to the source, neither his family nor his lawyer was allowed to visit him. In view of the many reports received that prisoners have been tortured while they were in police custody, fears were expressed that Mr. Bhiri might be subjected to torture.

226. On 16 December 1991 the Government informed the Special Rapporteur that no arrest warrant had been issued for Mr. Nourredine Bhiri and that he was completely free.

227. On 9 April 1991 the Special Rapporteur sent an urgent appeal to the Government transmitting information concerning Mohammed Moncef Al Triqi and Abdelaziz Al Buzouadi, members of the unauthorized Islamic group Hizb Al-Nahda. The former was arrested on 17 February 1991 and the latter on 23 February 1991. After their arrest, both of them were allegedly kept in police custody, incommunicado, in undisclosed detention centres. Since September 1990 hundreds of Hizb Al-Nahda members or sympathizers have reportedly been detained and those kept in police custody beyond the legally prescribed time-limit have allegedly been subjected to torture and ill-treatment during their detention. In the light of these considerations, fears have been expressed that both men might be subjected to torture and ill-treatment.

228. On 16 December 1991 the Government informed the Special Rapporteur that Mr. Triki and Mr. Bouzadi were not being held incommunicado in police custody. They were held lawfully after their arrest on 27 June 1991 and 27 July 1991 respectively and brought before the military courts on 1 July 1991 and 6 August 1991. Mr. Triki was arrested for spreading false information, disturbing the peace and belonging to a secret unauthorized organization. He was sentenced to one year and three months' imprisonment for holding an unauthorized meeting. Mr. Bouzadi's case is being examined. He is charged with high treason, illegal procurement of secret national defence information, attempting to undermine the internal security of the State, theft of official documents and inciting soldiers to join a secret illegal organization.

229. On 26 April 1991 the Special Rapporteur sent an urgent appeal to the Government of Tunisia transmitting information concerning Ajmi Lourimi, a teacher and member of the Executive Committee of the unofficial Islamic Party, Hizb Al-Nahda. He was arrested on 5 April 1991 and held incommunicado in police custody, at the Ministry of the Interior in Tunis. According to one person who had been detained at the same place, and subsequently released, Mr. Lourimi's state of health was serious after he was tortured. According to

this source, persons held at the Ministry of the Interior in Tunis have complained of torture, beatings, electrical shocks and the method known as the "roast chicken".

230. On 16 December 1991, in regard to this case, the Government said that Mr. Ajmi Lourimi was arrested on 25 April 1991 and brought before the military court on 4 May 1991; he himself denied the rumours of ill-treatment before members of the Tunisian League of Human Rights who visited him on 18 July 1991.

231. On 2 November 1991 the Special Rapporteur sent an urgent appeal to the Government of Tunisia transmitting information alleging that Jamal Barakat was arrested by the police early in October 1991 and is still being held without charge. He was arrested in order to make his brother, Faisal Barakat, aged 25, who was wanted by police, give himself up. According to the information received, Faisal Barakat was arrested between 8 and 10 October 1991 and he was held incommunicado in police custody. Around 17 October 1991, his family was notified by the Tunisian authorities that he had died as a result of an accident. Given the many recent reports of torture of prisoners in police custody, fears had been expressed that Mr. Faisal Barakat's death could have been the result of torture. Furthermore, fears had been expressed that Mr. Jamal Barakat might be tortured.

232. On 16 December 1991 the Government informed the Special Rapporteur in respect of this case that Mr. Jamal Barakat was not being detained, that he was not being prosecuted and that he was unknown to the security services. Regarding Mr. Faisal Barakat, a judicial inquiry was started by the Grombalia Prosecutor's Office which revealed that he had never been arrested and that he died after a traffic accident as he was walking along the Grabi road (in the Menzel Bouzelfa area). He was taken to the Nabeul hospital after the accident and died as a result of his injuries. An autopsy was carried out by order of the courts by two doctors from the university hospital of Nabeul and their report states that the body of the victim showed no trace of degrading or inhuman treatment.

Letters and Government replies

233. On 14 February 1991 the Special Rapporteur sent a letter to the Tunisian Government transmitting information concerning the measures which the Government is reported to have taken since President Zine El-Abidine Ben Ali took office in November 1987. Those measures were designed to protect the rights of detainees and covered, inter alia, limitation of the period of police custody and ratification of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, the Special Rapporteur continues to receive reports of many cases of torture and ill-treatment which have taken place during the last three years all over the country. Virtually all the cases reported occurred while persons were being held in police custody and were not allowed access to their lawyers or their families. Most of the prisoners allegedly subjected to torture or ill-treatment were members of unofficial political groups such as the Hizb al-Nahda, or Renaissance Party, the Tunisian Workers' Communist Party (PCOT) or the People's United Party (PUP). The methods of torture most frequently mentioned were the following: the "roast chicken" - hanging with the arms bound behind the knees by ropes and an iron bar and being beaten with

an iron bar or a plastic tube (falaga) - blows to the soles of the feet with studded clubs, cigarette burns, electric shocks to the sensitive parts of the body, being bludgeoned all over the body, as well as kicked and punched.

234. The following persons are among those reportedly subjected to torture or ill-treatment over the last three years:

(a) Sayyed Ben Burawi Ferjani, Lutfi Zaitoun, Mohsin Habouria and Taoufik Mejri; all four belonged to a group of some 150 former army or police officers arrested in November 1987;

(b) Salih Abderrahmane El-Abidi, arrested in January 1988 and again on 14 February 1990. A medical certificate written on the same day is said to have confirmed that there were injuries on various parts of his body;

(c) Jamal Abdel Nasir El-Sayari, arrested on 14 October 1988. A medical certificate issued on 27 October 1988 is said to have confirmed his allegations of torture;

(d) Abdel Kadir Ben Omer Bouazizi, arrested on 18 October 1988;

(e) Moncef Matalla, Moulidi Abassi, Mohamed Al-Tahir Hamouda, Mabrouk Abdeljaouad and Noureddine Brahimi, all members of the al-Nahda Party, were detained in June 1989. Medical certificates issued on 24 June 1989, reportedly confirmed their allegations of torture;

(f) Imed Ben Ahmed Amdouni, arrested on 18 July 1989. He was reportedly admitted to the hospital on the same day after being beaten up. A medical certificate dated on 17 August allegedly confirmed his allegations;

(g) Ibrahim Rejichi, arrested on 19 August 1989 at Monastir. He was allegedly beaten up by police officers. A medical certificate established on 30 August 1989 is alleged to have confirmed that he was suffering from insomnia and anguish;

(h) Fathi Ali Hachad, arrested on 6 September 1989. He was allegedly subjected to various forms of torture, including sexual harassment;

(i) Murtada Labidi, accused of being a member of the PCOT, arrested on 16 September 1989. During his trial, the court reportedly recognized that the police had extracted confessions under torture both from him and from the other persons being tried with him, but apparently the allegations of torture were not investigated by the authorities;

(j) Mohammed Mezzi, arrested on 26 December 1989;

(k) Raouf Gritli, Tarek Sallami and Nizar Ouni, arrested in Tunis after a demonstration in favour of the al-Nahda Party, on an unspecified date. Medical certificates issued on 18 March 1990 reportedly confirmed their allegations of torture;

(l) Hedi Ben Allala Bejami, arrested on 9 April 1990 in Ilam. He was said to have been subjected, inter alia, to sexual assault and electric shocks and excrement was forced into his mouth. A medical certificate reportedly confirmed his allegations of torture;

(m) Raouf Mthlouti, aged 11, arrested in June 1990 on charges of theft. He was reportedly beaten in the Ariana police station and a medical examination confirmed his allegations;

(n) Monji Jouini, arrested on 19 December 1990. According to other prisoners released subsequently, he was beaten up and tortured and as a result was suffering from multiple injuries and his toes were broken.

235. On 30 May 1991 the Government sent the Special Rapporteur several documents on the subject of the promotion of human rights and fundamental freedoms in Tunisia. One document from the Ministry of the Interior concerned a ban on torture; one document from the Ministry of Education and Scientific Research was on a number of subjects introduced into the school curricula. The documents also included the text of a decree of 7 January 1991 concerning the Higher Committee for Human Rights and Fundamental Freedoms, as well as the text of Act No. 70 of 26 November 1987 concerning the amendment to certain articles of the Code of Criminal Procedure. Nevertheless, no information was provided on the specific cases mentioned in the letter by the Special Rapporteur.

236. On 6 August 1991 the Special Rapporteur sent a letter to the Government of Tunisia transmitting information alleging further cases of torture and ill-treatment that had been brought to his attention. Some cases of death from torture in detention were also communicated. They involved prisoners who were members of the illegal Islamic organization, Hizb al-Nahda. People were reportedly tortured, in particular while they were in police custody, and they were denied any communication with their lawyers or their families. The following persons are among those who were reportedly subjected to torture or ill-treatment during the period April to June 1991:

(a) Abdelaziz Ben Hamuda Mahuashi: He was arrested on 21 April 1991 and his family was only informed on 30 April 1991, when they were told of his death. According to the Ministry of Defence, he suffered a heart attack, but according to the sources from the Habib Thameur military hospital to which he was taken, he was already dead on arrival. No death certificate, autopsy report or medical document was supplied to the family stating the cause of his death;

(b) Abdel Raouf Laaribi: He was arrested on 3 May 1991 and was kept in police custody in the Ministry of the Interior, until he died on 26 or 27 May 1991. His family was not allowed to visit him while he was in custody. According to the Tunisian authorities, he died as the result of a heart attack but the family received no medical certificate. The family was asked to bury his body immediately, thus avoiding any autopsy that would have determined the cause of death. According to the source, Mr. Laaribi was tortured while he was in custody and died under torture.

237. On 16 December 1991 the Government informed the Special Rapporteur, with respect to Mr. Abderraouf Laaribi that he had not been arrested or placed in police custody. A judicial inquiry has been initiated to determine the cause of his death.

238. On 18 October 1991 the Special Rapporteur sent a letter to the Government of Tunisia transmitting information received concerning Al-Ajami al-Wureimi, Sadiq Shouru, Abdul Majid al-Zar and Ali Sneitir, members of the al-Nahda Islamic movement, who were allegedly arrested by officers of the security forces and subjected to torture. Al-Ajami al-Wureimi, who was a member of the movement's executive was reportedly suffering from mental illness as a result of torture.

239. The case of another member of the same movement, Mr. Fathi Khiari, who died in detention, was also brought to the attention of the Government. Mr. Khiari, aged 33 and a public official in the Post Office Department, was arrested on 16 July 1991 by policemen, who did not produce an arrest warrant. Neither the family nor his lawyer was able to obtain any information concerning his legal situation or his whereabouts and, on 5 August 1991, they were informed of his death. Worse still, they were not allowed to examine the body and no medical certificate or autopsy report was issued to them. In the circumstances, and considering the widespread allegations of ill-treatment during police custody, fears were expressed that Mr. Khiari might have died as a result of torture.

240. On 16 December 1991 the Government said that the cases concerning Mr. Sadok Chourou, Mr. Ali Sneitir and Mr. Abdelmajid El-Zar were being examined. They were arrested on 29 June 1991, 18 June 1991, and 10 July 1991 respectively and brought before the military court on 8 July 1991, 28 June 1991 and 17 July 1991. Mr. Sadok Chourou was accused of high treason, acting against the internal security of the State, stealing official documents and inciting soldiers to join an illegal organization. In the case of Mr. F. Khiari, the information available established that he was in fact dead. A judicial inquiry was initiated to determine the cause of his death.

241. In its above-mentioned letter of 16 December 1991 the Government of Tunisia informed the Special Rapporteur that measures had been adopted and implemented with a view to:

(a) Placing a limit on police custody and pre-trial detention. Since Act No. 87-70 of 26 November 1991 was passed the period of police custody has been restricted to four days, which may be extended for an equal period after written authorization from the Government Prosecutor and for two more days if absolutely necessary (Code of Criminal Procedure, art. 12). In addition, officers of the judicial police must, at stations where persons are held in police custody keep a special register with suitable space to enter the identities of the persons being held and must indicate the day and the time when the period of custody begins and ends. Similarly, the person being held in police custody or one of his ascendants, descendants, brothers, sisters or spouse may request a medical examination at the end of the period of police custody. Mention shall be made of this request in the report which must be signed by the person who was held in custody. Pre-trial detention, which is ordered by the examining magistrate, is restricted to six months, although the magistrate must respond within four days to any request for release on bail;

(b) Preventing any kind of inhuman or degrading treatment. Articles 101 and 105 of the Criminal Code stipulate a penalty of five years' imprisonment and a fine for any public official or comparable category of official who, in the exercise of his duties, makes use of or orders the use of violence against any persons (defendant, witness or expert) in order to obtain a confession or statement. The Government of Tunisia ensures in particular that these provisions are respected and, if it receives a complaint or an allegation that these legal provisions have been violated, it promptly conducts an inquiry and imposes the necessary penalties.

242. The Government also informed the Special Rapporteur that a commission of inquiry into the allegations of violations of human rights had been established. Its findings have confirmed that no one is being held incommunicado in Tunisia. it has also found some excesses, caused by the wrongdoing of individuals, which is contrary to government policy and has reported that judicial inquiries have been started and disciplinary measures taken against the perpetrators. Furthermore, a delegation of the Tunisian League for Human Rights visited those prisoners about whom it had received allegations of ill-treatment and found that the rumours were groundless.

Turkey

Urgent appeals and Government replies

243. During 1991 the Special Rapporteur sent the Government of Turkey a total of 14 urgent appeals on behalf of persons who had reportedly been arrested and with regard to whom fears were expressed that they might be subjected to torture whilst in detention. The names of these persons, together with the corresponding replies provided by the Government, are mentioned below. The dates on which the urgent appeals were sent are indicated in brackets after the names.

(a) Mehmet Sen, Abdulkadir Erdem, Yahya Deniz, Ali Atsay, Murat Atsay, Neymetullah Simsek, Cahit Aktay, Hamdullah Aktay, Hamit Alay, Mehmet Alay, Eyp Demir, Sinan Ayebe, Ali Atay, Fethi Yukler, Orhan Orug, Mizgin Onen, Demiran Onen and Osman Karakas (all from the town of Derik, near Mardin) and Mahmut Aktas, Mehmet Salih Aplu, Mehmet Salih Dar and Berzam Aplu (from the village of Darbest, near Diyarbakir) (17 January 1991).

(i) All these persons were reportedly arrested at the beginning of 1991. The arrests reportedly followed the death in custody, in November 1990, of another resident of Derik, Yakup Aktas, who had previously been detained and taken to Mardin Gendarmerie Headquarters. A post-mortem held on 25 December 1990 reportedly confirmed extensive bruising of the head and shoulders with cuts and abrasions. The older and younger brothers of Yakup Aktas, whose first names were not given, were also detained in January 1991 in Derik.

(ii) With respect to these cases the Government replied on 8 February 1991 that the circumstances of the death of Yakup Aktas were under investigation and that no brother of Yakup Aktas had been

detained. Regarding the persons from Derbest village, it was affirmed that no such village existed and that none of the names mentioned in the Special Rapporteur's message as being residents of that village appeared in the records of the relevant authorities regarding persons taken into custody. All the other persons mentioned in the message had either never been detained or taken into custody, or had been released.

(b) Ibrahim Bingol, Cavidan Kocaacar, Metin Gunaydin and Mehmet Tuzcu (6 March 1991).

(i) These persons were reportedly detained in Ankara on or around 17 February 1991 and taken to the Political Branch of Ankara Police Headquarters. It was further reported that on 16 January 1991 a medical student, named Birtan Altunbas, died in hospital after being detained incommunicado for six days at the aforementioned Political Branch of Ankara Police Headquarters and that according to fellow detainees Mr. Altunbas had been severely tortured while in detention.

(ii) On 26 June 1991 the Government informed the Special Rapporteur about the charges against the above-mentioned persons and the state of the legal proceedings concerning them. As regards the torture allegations concerning Mr. Ibrahim Bingol and Mr. Habibe Cavidan Kocaacar the Government indicated that an investigation was being carried out. In the case of Mr. Birtan Altunbas the Government stated that he had gone on hunger strike and had died in hospital as a consequence of heart insufficiency caused by saturation of his lungs with liquid as a result of lack of nutrition.

(c) Ahmad Seyid Ahmad, Daryus Lorestani, Manije Mahacar Saliyani, Nader Hodapanani, Abbas Rustami Gomi, Hamid Hamidyan, Mahdi Javadi Nojad, Seyid Monniririrad, Bijan Barzinmer and Samad Masadban (18 March 1991).

(i) All of them were said to be Iranian political refugees who were detained around 2 March 1991 by the Political Branch of the police and taken to the Ankara Police Headquarters.

(ii) On 15 April 1991 the Government informed the Special Rapporteur that these persons had been taken into custody on charges of establishing a criminal organization. They were interrogated at the Office of the Public Prosecutor of the Ankara State Security Court and most of them were released on 14 March 1991. The Public Prosecutor opened a public law suit against four persons (Messrs. Ahmadi, Galamin, Berzinmer and Kardestami). It was affirmed that none of the persons mentioned in the message had been subjected to ill-treatment. Copies of the medical reports issued by the Forensic Department (drafted in Turkish) were enclosed.

(d) Dr. Cemal Kahraman, President of the Human Rights Association (HRA), Nusaybin Branch; Mecit Akgun, (journalist and HRA member); Suleyman Balan, (HRA member); Mehmet Baycal, (HRA member); Abdulhamit Aslan, (HRA member); Muhittin Anter, (member of HRA and the Nusaybin Municipal Council); Sukru Ekmen, (member of Mardin Municipal); Aydin Dogan and Mehmet Orhan (27 March 1991).

(i) The above-named persons were detained on 17 March 1991, following an incident the previous day in which five members of the Kurdish Workers Party were shot in a clash near the town of Omerli and summarily buried. They were reportedly taken to the gendarmerie regimental headquarters in Mardin where emergency legislation was in force.

(ii) On 3 June 1991 the Government informed the Special Rapporteur that after due interrogation and investigation, Mecit Akgun and Suleyman Balan had been arrested, and the others released. An investigation had established that they had not been subjected to any kind of unlawful treatment while in custody and these findings had been confirmed by medical reports. Furthermore, none of the persons in question had requested to see a lawyer during the custody period.

(e) Zeynep Aldogan (5 April 1991).

(i) The above-named female student was reportedly detained in Ankara on 20 March 1991 during a student demonstration and taken to the Political Branch of Ankara Police Headquarters. It was further reported that she had been previously detained in July 1988 and subjected to ill-treatment. A report by a forensic medical institute, dated 11 August 1988, reportedly supported her allegations.

(ii) On 27 May 1991 the Government replied that she had been taken into custody because of participation in an illegal separatist propaganda meeting and released on 29 March 1991. She requested to see neither her relatives nor her lawyer while in custody. Medical reports certified that she had not been subjected to any kind of unlawful treatment.

(f) Devrim Sezen, Murat Ozturk and Ulker Karayel (13 May 1991), students, were detained on 1 May 1991 in Istanbul, in connection with Labour Day activities. The first two were reportedly taken to the Political Branch of Istanbul Police Headquarters, whereas Ulker Karayel was taken into custody in Kadikoy district of Istanbul.

(g) Omer Ozer, Resit Altin, Faik Yilmaz, Mehmet Silik, Celal Cicek, Ibrahim Guclu, Ahmet Ozhan, Bedri Erdem, Ismail Esmeray, Nezim Ozkan, Nuriye Erdem, aged 12, Sedika Bestas, aged 13, Ismail Olcay Aran, Fidan Yabaneri, (23 May 1991).

(i) As regards the first 10 persons mentioned above, villagers of Payamli near Siirt, it was alleged that in April and May 1991 they had been made to spend the hours of darkness in a trench situated to the east of the village gendarmerie station and that they were being used as a human shield against possible attack by guerillas of the Kurdish Workers Party (PKK). Nuriye Erdem and Sedika Bestas, from the same village of Payamli, had been held by the Siirt gendarmerie since 30 April 1991. Ismail Olcay Aran and Fidan Yabaneri, students at Diyarbakir University, were detained on 1 May 1991; following a

court hearing, they were not released and local authorities denied that they were being detained. It was believed that they had been taken back into police custody for further investigation.

(ii) By letter dated 1 October 1991 the Government replied with regard to Ismail Olcay and Fidan Yabaneri that these persons had been arrested and placed in custody for taking part in an illegal street demonstration at Diyarbakir on 1 May 1991 and resisting the police. They had been released on 7 May 1991 by the appropriate prosecutor's office at Diyabakir. The allegation that they had been taken back into custody after the hearing was thus unfounded. As regards Omer Ozer, Resit Altan, Faik Yilmaz, Mehmet Silik, Celal Çiçek, Ibrahim Güçlü, Ahmet Ozhan, Bedri Erdem, Ismail Esmeray and Nazin Ozkhan, the Government said that the allegations that these persons had been ill-treated and used as a human shield against a possible attack by terrorists was completely without foundation. Finally, as far as Siddika Bestas and Nuriye Erdem were concerned, the Government stated that their dates of birth were 1973 and 1975 respectively. Having taken part in the activities of the terrorist group for a time, they had been apprehended when they returned to their village. After questioning they had been brought before the court, which had decided that they should be placed under arrest. The medical reports on them certified that they had not been ill-treated.

(h) Barbara Anna Kistler (4 June 1991), a Swiss citizen reportedly detained in Istanbul on 20 May 1991 and taken to the First Political Branch of Istanbul Police Headquarters. On 27 June 1991 the Government informed the Special Rapporteur of the circumstances under which the above-mentioned person was detained. It was affirmed, inter alia, that during the period of detention, Barbara Anna Kistler had been visited by the Swiss Consul General and by her lawyer. At the end of the detention period, she had been examined by experts of the Istanbul Forensic Medical Department who certified that she had not been subjected to any kind of mistreatment. In addition, a copy was enclosed of a Swiss newspaper article of 31 May 1991 asserting that Miss Kistler had told the Swiss Vice-Consul, who came to visit her in prison, that she had not been ill-treated since her arrest, 10 days earlier.

(i) Cavidan Kocaacar, Murat Demir, Bedii Yarayici, Deniz Teztel, Tulay Avci, Fatma Ocalan, Hatice Suna, Ummet Suna, Necmi Suna and Lutfi Topal (26 June 1991).

(i) All of the above-mentioned persons, as well as several others whose names were not given, were reportedly detained in police operations in Ankara and Istanbul following the assassination in Ankara of General Ismail Selon on 23 May 1991, and taken to the Ankara Police Headquarters. Murat Demir, a lawyer, member of the Halkin Hukuk Burosu legal practice, and Cavidan Kocaacar, former President of the Solidarity Association of Prisoners' Relatives (TAYAD) (regarding whom the Special Rapporteur sent an urgent appeal on 6 March 1991 and received a reply dated 26 June 1991 (see para. 243 (b) above), were detained on 13 June 1991 during a police raid of the practice.

It was reported that both were among several detainees who were presented by the authorities to the press on 19 June as alleged members of the Dev Sol illegal organization and as suspected of involvement in the organization's armed activities. Deniz Teztel, a journalist who had followed all the trials in the Istanbul Military Court since the military coup of 1980, was detained in Istanbul on 14 June 1991. It was further reported that applications by lawyers to see the three above-mentioned detainees were refused by the Public Prosecutor.

(ii) By letter dated 1 October 1991 the Government informed the Special Rapporteur that Ms. Ummet Suna, Hatice Suna (Sahin), Fatma Ocalan and Tülay Avci had been taken into custody on 4 June 1991, Necmi Suna on 7 June 1991, Lüftü Topal on 10 June 1991, Bedii Yarayici on 12 June 1991, Murat Demir and Habibe Cavidan Kocaacar on 13 June 1991 and Deniz Teztel on 15 June 1991. Fatma Ocalan and Tülay Avci had been released on 11 June 1991. Lüftü Topal, Ummet Suna, Hatice Suna (Sahin), Murat Demir, Bedii Yarayici, Deniz Teztel and Habibe Cavidan Kocaacar had been brought before the Ankara State Security Court. The charges against them were as follows:

Lüftü Topal: supplying explosives and ammunition to the illegal organization "Devrimci sol", of which he was a member; providing the leader of the organization with one of the pistols used in the murder of General Temel Cingöz; gathering information in preparation for the murder of General Ismail Selen;

Ummet Suna: acting as intermediary in getting Adnan Temiz, one of the people responsible for killing General Cingöz, to join the illegal organization "Devrimci sol", helping Adnan Temiz to prepare one of the pistols used to kill General Cingöz;

Necmi Suna: providing one of the pistols used to kill General Cingöz;

Murat Demir, Bedii Yarayici, Deniz Teztel, Habibe Cavidan Kocaacar: acting as couriers for the illegal organization "Devrimci sol" and being members of it;

Hatice Suna (Sahin): being a member of the illegal organization "Devrimci sol".

The Government added that, on 28 June 1991, the Court had decided to release Habibe Cavidan Kocaacar for lack of evidence and to place the others in custody. It was established that the persons in question had not been ill-treated while in police custody. The Ankara prosecutor's office transmitted the file concerning the allegation that Habibe Cavidan Kocaacar had been tortured to the Ankara prefecture. The prosecutor's office is pursuing its inquiries into the allegations that Bedii Yarayici, Tülay Avci, Hatice Suna, Nemci Suna, Murat Demir, Deniz Teztel, Fatma Ocalan, Ummet Suna and Lüftü Topal were tortured.

(j) Selahattin Cengiz (aged 13), Halil Bardu and Sukru Kil (5 July 1991)

(i) The above-mentioned persons were reportedly detained on 23 June 1991 by the gendarmerie in the village of Erkent, near Pervari, and taken to Doganca gendarmerie station. They were later transferred to the gendarmerie headquarters in Pervari.

(ii) On 1 October 1991, the Government informed the Special Rapporteur that these persons had been placed in custody on 26 June 1991 for helping the terrorist organization and harbouring its members. They were brought before the Siirt prosecutor's office, which decided to release them on 1 July 1991. They did not ask to communicate with a lawyer during their period in custody. The medical reports certify that they were not ill-treated during that period. Selahattin's identity card shows that he was born in 1972.

(k) Sevgi Erdogan, Cavidan Kocaacar, Fatma Patlar, Aliye Kaskir, Fatma Gulten Sesen and Nilufer Alcan (23 July 1991). All six women were reportedly arrested on 14 July 1991, during a police operation and the subsequent closure of the offices of Ozgur-Der (Association of Rights and Freedoms) in Istanbul, and taken to the Istanbul police headquarters. Cavidan Kocaacar had been previously detained in February 1991 for 24 days and on 13 June 1991 for 15 days. (She was among several persons mentioned in urgent appeals dated 6 March and 26 June 1991).

(l) Tevfik Ozer (23 August 1991)

(i) A member of the Human Rights Association and Chairman of the People's Labour Party in Siirt, Mr. Ozer was detained by police in that town on 14 August 1991. He was allegedly severely beaten by police before being driven to the political branch of Siirt police headquarters. It was further reported that the beating was witnessed by several bystanders, who added that the police also threatened to kill him.

(ii) On 14 November 1991 the Government informed the Special Rapporteur that Mr. Tevfik Ozer had been taken into custody on the orders of the Siirt province police and sent to prison by decision of the police court in the same province. After the investigation conducted by the prosecutor's office of the Diyarbakir State Security Court, proceedings were initiated against him on 4 September 1991 and are at present under way. According to the report drawn up after a medical examination carried out by the health service when he was brought before the Siirt prosecutor's office, Mr. Ozer bore no traces of beating or use of force.

(m) Mustafa Dalgic, Mehmet Oral, official of the People's Labour Party (HEP); Fatos Yener, Executive of the HEP Iskenderun Branch; Erdogan Yener; Faruk Soylemez, Executive of the HEP Iskenderun Branch; Huseyin Gokalp, President of the Socialist Party (SP) Iskendrun Branch; Elif Reyhan; Nevruz Aydar; Teyibet Aydar (17 September 1991).

(i) These 9 persons were reportedly among some 40 mourners detained on 2 September 1991 when they attended the funeral of a militant of the Kurdish Workers' Party, and taken to police headquarters in Iskenderun, Siirt Province, Southern Turkey.

(ii) By a letter dated 11 November 1991 the Government informed the Special Rapporteur that the ceremony had turned into an illegal demonstration, during which 37 persons had been arrested. Mehmet Oral, Farak Soylemez and Elif Reyhan, among others, were taken into custody and brought before the Malatya State Security Court. Mustafa Dalgiç was not taken into custody. According to the report drawn up by the health service clinic at Malatya, no evidence of beating was found during medical examinations of the persons taken into custody.

(n) Hüseyin Toraman (5 November 1991), detained in Istanbul on 27 October 1991, and said to be held in incommunicado detention at Istanbul police headquarters. The source further reported that Hüseyin Toraman's father, Mr. Ali Reza Toraman, had been detained by the police some six months previously, and that he had been tortured until he agreed to take the police to his son's address. Police officers were said to have kept Hüseyin Toraman's home under constant surveillance while he was in hiding.

244. On 14 December 1990 the Government of Turkey sent a letter to the Special Rapporteur in reply to his urgent appeal dated 28 November 1990 (see E/CN.4/1991/17, para. 186) regarding several persons detained in Istanbul in November 1990. The Special Rapporteur was informed that several of the persons mentioned in his message had had a public law suit initiated against them on charges of membership of an armed illegal organization and violation of the law on assembly and meetings. The attorney of two of these persons has lodged a formal complaint, claiming that he had been denied access to his clients despite the permission issued by the prosecutor. Due legal action had been initiated against the officials concerned on the basis of the said complaint. Several persons were released. As regards the alleged torture to which these persons had been subjected during their detention the following was stated:

> "The Public Prosecutor of Istanbul has launched an investigation into allegations of mistreatment concerning Imam Fidan, Nazan Celiker, Mustafa Eser, Ibrahim Sahin, Iman Dögüs, Ali Dögüs, Nurten Demir, Ali Tasözü, Mithat Zafer, Nihat Ozcan, Zeynep Polat and Sengül Mert. The medical report issued on 29 November 1990 by the Istanbul Forensic Department with regard to the above-named persons is being duly considered in the course of this investigation, which has not been completed yet."

245. The Special Rapporteur also sent an urgent appeal to the Government of Turkey on behalf of Mr. Yavuz Binbay, following Commission on Human Rights resolution 1991/70 (see para. 23 above).

Letters and Government replies

246. On 17 April 1991 the Special Rapporteur sent a letter to the Government of Turkey transmitting information received according to which persons released after being detained in the south-eastern provinces of the country on suspicion of activity for separatist organizations had alleged that, while in detention, they were subjected to severe torture. Similar allegations were made in other regions by persons released after being held on suspicion of activity on behalf of illegal left-wing newspapers or organizations. Methods of torture included beating, suspension, application of electric shocks, squeezing of testicles, being subjected to pressurized water, being forced to drink salt water and deprivation of food and water. The cases of the following persons were reported:

(a) Osman Aytar, Ismail Aydin, Hayrettin Bozkurt, Mehmet Sirin Ay, Isa Bozkurt, Abdurrahman Yavas, Salih Yalcin and Hanifi Turan, detained in June and July 1990 in Diyarbakir and Silvan;

(b) Mensure Avsar and Songul Avsar, two women who were detained between 21 and 22 September 1990, with some 30 other people during an operation by the security forces in and around Bismil;

(c) Fatma Tokay, a member of Tayad (Prisoners' Relatives Solidarity Association) and Yasar Selcuk, a student at Gazi University, Ankara. Both were among a group of 13 persons detained on 24 January 1991 during a police operation at the premises of Tavir magazine in Ankara.

247. It was further alleged that several minors had been detained and subjected to torture after being accused of membership of, or activity for PKK. The following names were given: Mesut Ozal, aged 13; Rahim Eye, aged 15; Lokman Ozal, Muatafa Bulak, Ilhan Uzun and Abdurrahman Tas, all aged 16; Recep Orhan and Hasan Dayan both aged 17.

248. In addition, it was reported that several detainees had died in detention or immediately upon release, allegedly as a result of torture. The following names and details were given:

(a) Idris Can, arrested on 16 December 1990 and taken to the Anadoluhisari Police Station in Istanbul. On 20 December he was taken to a prison where he died soon after arrival;

(b) Tevfik Timur, arrested on 5 January 1991 and accused of having links with PKK. His body was handed over to his relatives on 14 January 1991;

(c) Birtan Altunbas, arrested on 9 January 1991 in Ankara. His body was handed over to his relatives on 16 January 1991. (His case was also mentioned in an urgent appeal dated 6 March 1991 and the Government reply dated 26 June 1991 (see para. 243 (b) above));

(d) Haydar Basbugur, arrested for stealing cigarettes and taken to Anafartalar police station in Ankara. Two days after his arrest his body was handed over to his family. Police told the family he had committed suicide;

(e) Kasim Aras, arrested in December 1990 and released in early February 1991. He died three days after his release. According to a medical examination his death was caused by a brain haemorrhage which had begun one month earlier, while he was in detention;

(f) Ceyhan Sari had to be hospitalized for spine fractures allegedly caused by torture while in detention. No other details were given.

249. On 20 June and 1 October 1991 the Government provided the Special Rapporteur with information regarding the charges against some of the above-mentioned persons. The following details were given:

(a) Ismail Aydin, Mehmet Sirin Ay, Isa Bozkurt, Abdurrahman Yaras, Hanefi Turin, Songiil Aver, Fatan Tokey and Yasar Selçuk: medical reports certified that none of these persons were mistreated while in detention;

(b) Salih Yalçin and Mensure Avsar: no persons bearing these names had ever been taken into custody;

(c) Mesut Ozal, Rahim Eye, Lokman Ozal, Mustafa Bulak, Ilhan Uzun, Abdurrahman Tas, Recep Orhan and Hasan Dayan; the name Rahim Eye did not exist in any of the relevant records. None of the persons in question were under 15 years of age. Furthermore, none of them had been subjected to any kind of unlawful treatment. No public lawsuit was ever initiated against Mesut Ozal and Lokman Ozal. Cases concerning Mustafa Burak, Abdulvahip Ege, Hasan Dayan, Recep Orhan, Ilhan Uzüm and Abdurrahim Tas were dismissed;

(d) M. Tevfik Timurtas: on 4 January 1991 he was detained because of cooperation with an illegal gang of terrorists. On 14 January 1991, he complained of shortness of breath. Thereafter, he was taken to the hospital where he passed away as a result of the cessation of heartbeat. The autopsy revealed structural deficiencies in his lungs. The Forensic Department has undertaken a more extensive medical investigation, and the Public Prosecutor of Sirnak is formally looking into the matter;

(e) Birtan Altubas: the case was under investigation;

(f) Ihsan Basbug: the public lawsuit initiated against the two policemen concerned had not yet been completed.

(g) Kasim Aras: he died one week after his release. As a result of the complaint lodged by the brother of Mr. Aras one day before his death, the Public Prosecutor had started an investigation into allegations of torture. The Forensic Department had initiated a medical investigation to determine the cause of death;

(h) Ceyhan Sari: no reference to this case could be found in the records. More precise information was needed in order to be able to continue the investigation;

(i) Osman Aytar and Hayrettin Bozkurt: the competent court at Diyarbakir decided on 31 May 1990 to acquit them. When they complained of ill-treatment, the Diyarbakir Prosecutor's Office ordered a preliminary investigation to be opened against the officials concerned. The complainants are being sought so that their statements can be taken;

(j) Idris Can: the investigation against the police officers concerned having been concluded, the file has been sent to the Istanbul Prosecutor's Office.

250. By a letter dated 18 October 1991 the Special Rapporteur transmitted to the Government of Turkey information according to which torture continued to be a routine part of police interrogation in Turkey. Law enforcement officers had been given added protection against prosecution on charges of torture by the new Anti-Terror Law, enacted in April 1991, which stated in particular that no cases concerning security officers' participation in incidents of torture could be brought to court or have investigations launched without the approval of disciplinary commissions. The forms of torture used included: beatings; being stripped naked; electric shocks; falaka (beating on the soles of the feet); squeezing of genitals; attempted rape; rape; truncheon forced into vagina or anus; sleep deprivation; denial of food and/or water; being dragged along the ground; being placed in a tyre and beaten; sleeping on a wet floor; being forced to listen to others' torture; having someone spit into one's mouth; denial of permission to use a toilet; hair pulling or burning; insults and threats. The following cases were transmitted in particular:

(a) Izzet Gümüsçü and Tamer Tanrikulu, arrested on 18 February 1991. While in police custody and before being transferred to the Diyarbakir E-Type prison, they were allegedly subjected to severe torture, as a result of which they had blood in their urine;

(b) Saycan Yalçin, Mehmet Güvel, Muhittin Civelek, Ayse Sultan Yazici and Sedat Erözsoy were detained on 4 January 1991 under the accusation of membership of the illegal organization Devrimci Sol (Revolutionary Left). While in police custody they were allegedly subjected to severe torture including beatings, being sprayed with pressurized cold water, beating on the soles of the feet, hanging by the wrists and electric shocks applied to the fingers and genitals;

(c) Sedat Esmer, a lycee pupil, was reportedly arrested at the end of April 1991 and taken to the headquarters of the anti-riot police in Diyarbakir. During his detention he was subjected to electric shocks, being sprayed with cold water under pressure, hanging by the wrists and twisting of the testicles;

(d) Cengiz Gezili, aged 18, was reportedly arrested in July 1991 at the village of Akbudak in Gaziantep, on the accusation of membership of PKK. During 10 days he was allegedly subjected to torture, including electric shocks;

(e) Hüsne Kizilkaya, aged 12, Meryem Oral, aged 13, and Müneuver Oral, from the village of Pinarder, Savur, Mardin province, were reportedly tortured and sexually abused at the Savur gendarmerie headquarters, where they had been taken, on the accusation of membership of PKK;

(f) Islam Aysoy, Ismet Aysoy and Ilham Aysoy were reportedly arrested on 11 May 1991, following an attack carried out by the PKK in Güroymak, Blitis. At the Güroymak gendarmerie they were allegedly subjected to torture and forced to eat dog's faeces.

251. The Special Rapporteur also transmitted to the Government further information received concerning the cases of Dr. Cemal Kahraman, Mecit Akgün, Süleyman Balan, Mehmet Baysal, Abdülhamit Aslan, Muhittin Anter, Sükrü Ekmen, Aydin Dogan, Mehmet Orhan (regarding whom a telegram, dated 27 March 1991, was addressed by the Special Rapporteur to the Minister of Foreign Affairs, and the Government provided a reply, dated 3 June 1991) and Mehmet Yagiz. According to that subsequent information, when the detainees were brought before the Mardin Chief Prosecutor on 12 April 1991, five of them (Dr. Cemal Kahraman, Mecit Akgün, Süleyman Balan, Mehmet Baysal and Mehmet Yagiz) made a formal complaint that they had been severely tortured while in custody. The methods included being suspended by the wrists, electric shocks and beating. It was also reported that although they bore clear marks of torture, their injuries were not documented during the medical examination.

252. Further information was also transmitted concerning the case of Barbara Anna Kistler (regarding whom a telegram, dated 4 June 1991, was addressed by the Special Rapporteur to the Minister for Foreign Affairs, and the Government provided a reply, dated 27 June 1991) and the account she gave to her lawyer. According to that subsequent information, Ms. Kistler was taken blindfolded to the Political Branch of Istanbul Police Headquarters after she was first detained. She was continuously interrogated and tortured for 40 hours. Torture included being undressed and suspended from a beam; having electric shocks applied to her abdomen, breasts and neck; being sprayed with cold water between the electric shocks; and being forced to sit on a chair and subjected to heavy blows on the back of the head. After a short time the torture was resumed. She said that her wounds were later treated with a special liquid to make them heal faster. She did not receive a medical certificate from the State Forensic Medicine Institute but the lawyers who visited her in police custody noticed marks on her wrists and face.

253. Concerning the case of Sait Seyit Ahmad (regarding whom a telegram dated 18 March 1991, was addressed by the Special Rapporteur to the Minister for Foreign Affairs, and the Government provided a reply, dated 15 April 1991), further information was received according to which he was severely beaten when he was taken into custody. On arrival at the Political Branch of Police Headquarters, he was allegedly beaten unconscious, and recovered to find himself naked and being sprayed with cold water at high pressure.

254. On 18 November 1991 the Government provided the following information on some of the cases transmitted by the Special Rapportuer on 18 October 1991:

(a) Izzet Gümüscü and Tamer Tanrikulu were arrested for the offences of engaging in propaganda and extorting money from the people for the illegal organization PKK. They were brought before the Diyarbakir State Security Court. Tamer Tanrikulu was released after the initial investigation. According to the medical reports, these persons had not been ill-treated;

(b) Sedat Esmer was taken into custody for the offence of engaging in propaganda for the illegal organization PKK. He was tried by the Diyarbakir State Security Court and acquitted on 12 June 1991. According to the medical report for the period he spent in custody, no trace of beatings or use of force was found on Sadat Esmer's body;

(c) Hüsne Kizilkaya, Meryem Oral and Münevver Oral were taken into custody on 9 May 1991 for trying to join the PKK forces in the mountains. After their statements had been taken, they were released on 20 May 1991. The investigation by the Diyarbakir State Security Court is at present under way. The medical reports certify that no evidence of beating or use of force was found on the bodies of these persons;

(d) Ismail Aksoy, Ismet Aksoy and Ilhan Aksoy: on the allegations that these three persons were ill-treated and that attempts were made to make them eat dog's faeces when they were in custody at Bitlis, the competent court declared itself not competent in the matter on 31 May 1991 and transmitted the file to the Bitlis prefecture. It is possible that, depending on the results of the inquiry undertaken by the prefecture, an investigation will be opened into the matter;

(e) Cemal Kahraman, Mehmet Baysal, Abdülhamit Aslan, Muhittin Anter, Sükrü Eren, Aydin Dogan, Mehmet Sirin Orhan, Macit Akgün and Süleyman Balan were arrested at Nüsaybin and transferred to Mardin, where they were placed in custody, for the following offences: belonging to the illegal organization PKK, harbouring and receiving, and propaganda for the same organization. On 12 April 1991, Cemal Kahraman, Mehmet Baysal, Mecit Akgün and Süleyman Balan were sent to prison, while the others were released. The Diyarbakir State Security Court is continuing the investigation into the case. Among those charged, Mehmet Baysal, Süleyman Balan, Mehmet Yagiz, Ahmet Yigit and Harun Bozkurt said in their statements before the Mardin Magistrate's Court that they had been tortured and ill-treated during their questioning and lodged a complaint. Following the investigation undertaken into the complaint, the file was transmitted to the Mardin prefecture. It is possible that when the file has been examined a further investigation will be conducted. Cemal Kahraman and Macit Akgün did not make any complaint or statement about being tortured or ill-treated;

(f) Barbara Kistler: While she was in custody, Barbara Kistler met the Swiss Consul General and his lawyer. The medical report drawn up by the Istanbul Forensic Medicine Organization on 3 June 1991, at the end of the period of custody, certifies that no traces of beating or use of force were found on her body. She has not appealed to the judicial authorities about any threats designed to prevent her from speaking about what happened to her in prison;

(g) Sait Seyit Ahmet: According to the available information, this person has been accepted as a refugee by Norway.

Uganda

Urgent appeals

255. On 23 May 1991 the Special Rapporteur sent an urgent appeal to the Government of Uganda concerning three members of the National Assembly who had reportedly been detained and might be subjected to torture: Omara Atubo, Irene Apiu Julu and Zachary Olum. Elders and community leaders from the northern Ugandan districts of Lira, Gulu and Kitgum, they were charged with treason on 8 May 1991 in Kampala Chief Magistrate's Court. They were among several hundred people said to have been arrested since the end of March in a major military operation in the north of the country and held subsequently without charge or trial in military custody. Omara Atubo, Zachary Olum and Irene Apiu Julu appeared in court together with 15 other persons, including the former Ugandan High Commissioner in London, Andrew Adimola, and a politician, Tiberio Atwoma Okeny. It was said that Omara Atubo, Zachary Olum and Irene Apiu Julu showed signs of having been beaten and ill-treated while in military custody. It was alleged, moreover, that other prisoners in custody had been beaten and ill-treated and that the prisoners had been denied food.

Union of Soviet Socialist Republics

Urgent appeals and Government replies

256. On 22 January 1991 the Special Rapporteur sent an urgent appeal to the Government of the Union of Soviet Socialist Republics concerning the following persons of Armenian origin who were reportedly arrested on 24 October 1990 in Kajavan village, in the Martakert region of Karabagh: A. Sarkisian, N. Danielian, L. Gasparian, V. Kocharian, A. Babayan, A. Danielian, S. Stepanian, M. Sanian and V. Gabrielian. It was alleged that these persons were arrested during an operation carried out by troops belonging to the Interior Ministry, and that they were being held, without charge, in the prison of Shushi in Azerbaijan. It was further alleged that they had been subjected to torture, including rape and beatings, purportedly in order to extract confessions from them. They were reported to be in a grave condition and fears were expressed that they might again be subjected to torture.

257. On 18 July 1991 the Government provided the Special Rapporteur with detailed information on the incident giving rise to the detention of 24 citizens of Armenian nationality and the subsequent release of 15 of them. It further reported that criminal proceedings had been instituted against A.A. Sarkisian, V.S. Kocharian, S.S. Stepanian, A.V. Danielian and others (9 in all). All were being held in custody as a preventive measure and there were no grounds for altering this preventive measure. No complaints of bias in the investigation or the use of unlawful investigative measures had been received from the accused.

Letters

258. On 6 August 1991 the Special Rapporteur sent a letter to the Government of the Union of Soviet Socialist Republics transmitting information alleging that the practice of torture against Armenian prisoners in Azerbaijan

continued. The source quoted excerpts from testimony given by four Armenian physicians: Valerie Khachaturian, aged 44, from Karabagh, Azerbaijan; Sarkis Hagopian, aged 53, the principal doctor of Getashen village hospital, Karabagh, Azerbaijan; Vartan Hovhannesian and Gevork Grigorian, both from Armenia. The four physicians reportedly testified that they had been beaten severely for about five days, and that they were kept in an outdoor prison camp in a completely naked state; they were allegedly exposed to rain and forced to sleep naked on bare metal beds. According to the source all four had swollen faces and injured bodies at the time of their release.

259. It was further alleged, on the basis of accounts by former prisoners, that the most common methods of torture of Armenian prisoners in Azerbaijan were severe beatings, often resulting in broken bones and damage to the spine and internal organs, and walking on prisoners and urinating and defecating on them. There were also allegations that rape was a common form of torture, but no further details were given. It was alleged that no medical attention was allowed. One report, describing the situation in Shushi prison, described how 50 Armenian prisoners were forced into a 9.5 square metre cell. It was alleged that Azeri jailers urinated on the prisoners from an opening in the roof.

260. Individual cases involving residents of Stepanakert were reported. They concerned the following persons: Hzmanov Safaryan, Gamlet Bagiryan, and Gennadi Artiunyan and his three-year-old son.

261. In addition to the aforementioned the Special Rapporteur received information concerning cases of ill-treatment or police brutality which had allegedly occurred in other regions of the Soviet Union. The cases of the following individuals were reported: Yu Behtchanov, Yuryi Ivanov, Olga Yantchenko and Genadyan Makarov.

United Kingdom of Great Britain and Northern Ireland

Letters

262. On 18 October 1991 the Special Rapporteur sent a letter to the Government of the United Kingdom transmitting information alleging that Mr. Damien Austin, aged 17, was ill-treated while in custody at the police interrogation centre in Castlereagh (Belfast) from 7 to 10 May 1991, and again from 17 to 20 August 1991. He alleged that, during his first period of detention, he had been verbally abused, punched, slapped and spat upon by detectives. He also said that he had been burned on the face with a cigarette, that his trousers and underpants were repeatedly pulled down, that a cigarette lighter was held toward his pubic hair and that death threats were made by his interrogators. In the period following his release, and before his second arrest, Damien Austin claimed to have been regularly harassed by the police. He alleged that during his second period of detention he had been regularly punched in the stomach, on the throat and arms, and on the back of the head. Pressure was put on his genital area which resulted in bleeding and, on one occasion, his neck was held so tightly in an armlock that he was choking and felt that he would pass out. Both the doctor on duty at Castlereagh and his

own doctor concluded, upon examination, that he had been severely ill-treated. Mr. Austin also claimed that, before being released, he had received threats of further arrest and of execution by a loyalist paramilitary group.

Venezuela

Letters and Government replies

263. On 14 February 1991 the Special Rapporteur sent a letter to the Government of Venezuela transmitting information received alleging that prisoners at the El Dorado labour camp had been subjected to torture, including electric shocks and blows with machetes covered with excrement, resulting in infected wounds. In particular, attention was drawn to the case of Amílcar Rodríguez Macías, described by the complainants as a political prisoner. It was reported that on 13 August 1990 he had been taken together with other prisoners from his cell to a place where he was tortured with electric shocks, blows and kicks. This torture was carried out in the presence of two doctors. The other prisoners were also forced to watch.

264. On 7 June 1991 the Government sent the Special Rapporteur the following information provided by the Human Rights Directorate of the Office of the Government Attorney:

> "In August 1990, a number of inmates held at the Venezuela general penitentiary were transferred by order of the Ministry of Justice to El Dorado prison, being accused of bad behaviour. After they were transferred, the Department of Public Prosecutions received various complaints from members of their families that they were not being held under proper conditions. They also complained that after the prisoners had been transferred to El Dorado, it was made difficult for them to visit the prisoners. As a result of these reports, various commissions from the Department of Public Prosecutions visited the prison to inspect the conditions under which the prisoners were being held and the state they were in. On one of these visits, Amílcar Rodríguez complained of having been ill-treated by officials, but there was no evidence to support his complaint and none could be found. Later, at the request of the Government Attorney's Office, the Ministry of Justice transferred the prisoners to the establishments they had come from. In the case of Amílcar Rodríguez, who is not a political prisoner as sometimes alleged but a convicted robber, he was transferred to El Junquito prison, where he recently declared himself to be in excellent condition and had no complaint about the conditions under which he was being held."

Yugoslavia

Letters

265. On 6 August 1991 the Special Rapporteur sent a letter to the Government of Yugoslavia transmitting information alleging police brutality and ill-treatment of people by police in the Serbian province of Kosovo. The following detailed cases were reported:

(a) Ismet Sopi: on 12 June 1990 two police officers beat him with batons on his back, neck and hands. Reportedly, Ismet Sopi could hardly walk afterwards, and suffered severe bruising;

(b) Xhevat Sadika, aged 38, owner of a shop in Gnjilane, was allegedly beaten by police on 23 July 1990 and had to stay in hospital until 28 July. A medical certificate from the surgical clinic of Pristina Medical Faculty stated that he had been admitted urgently to the clinic for treatment of injuries caused by beating;

(c) Prof. Alush Gashi, the former Dean of the Medical Faculty of the University of Pristina: on 26 October 1990 he was allegedly beaten by police officers.

Zaire

Urgent appeals and Government replies

266. On 15 May 1991 the Special Rapporteur sent an urgent appeal to the Government of Zaire concerning Essolomwa Ea Linganga, publisher and director of the daily newspaper Elima. According to the source, Mr. Essolomwa had been arrested on 11 May 1991 by several agents of the security forces and policemen in civilian clothes, in front of the building where the Government Prosecutor has his office at Kinshasa, and had been taken to an unknown destination. Mr. Essolomwa had been tortured during a previous period of detention, and fears were expressed that he might again be tortured or ill-treated.

267. On 20 May 1991 the Government of Zaire sent the Special Rapporteur a report prepared by the Government Prosecutor concerning Mr. Essolomwa. The report contains a detailed description of the offences he is alleged to have committed and of his being taken into custody and charged. According to the report, before the Appeal Court Mr. Essolomwa was defended by 10 lawyers, none of whom raised the question of ill-treatment of their client, who was duly present at all the hearings. In accordance with the law, Mr. Essolomwa was the subject of an arrest warrant, which was executed on his leaving the Appeal Court hearing on 11 May 1991, and he was brought before an official of the Department of Public Prosecutions in connection with the publication of false rumours. After spending the weekend of 11 and 12 May 1991 in Makala prison, he was heard by a judicial officer on 13 May and charged with publishing false rumours liable to spread alarm or to incite revolt against the authorities, and a new file was opened. At no time was he tortured, and his newspaper was never seized. From prison he continued to sign articles, which were regularly published by his newspaper, and in which, among other things, he reported certain facts that he said he had observed in the prison. The Government of Zaire stated that at the time the information was sent (20 May 1991) Mr. Essolomwa had been released on bail.

Letters

268. On 6 August 1991, the Special Rapporteur sent a letter to the Government of Zaire transmitting information concerning alleged torture and very harsh conditions of detention at the Makala central prison in Kinshasa. The inmates, it was said, were obliged to sleep on the floor and suffered from

unhygienic conditions, lack of medical care and malnutrition. According to the sources, 10 persons had died from different causes, including tuberculosis, malaria, diarrhoea and malnutrition, between 9 April and 18 May 1991, and nine others had died of starvation. A list was also sent of 21 persons at Makala prison whose state of health gave grounds for concern. The names of all these persons were communicated to the Government.

269. It was also reported that Doctor Losilo Sokolakamo, formerly chief medical officer at Makala prison, was arrested on 8 May 1991 for having authorized a prisoner to go to the hospital, who was then said to have taken the opportunity to escape. Doctor Sokolakamo was said to be held at Makala prison.

IV. FOLLOW-UP TO VISITS

270. On 20 August 1991 the Turkish Government sent the Special Rapporteur the text of new regulations issued by the Ministry of the Interior concerning the procedure to be followed by the police in questioning suspects and taking their statements. The main provisions of this text, which was sent to the country's police authorities on 6 August 1991, are as follows:

(a) A person in custody must be given a medical examination, attested by a report, before he is questioned, and again after the questioning is finished and before he is brought before the judicial authorities;

(b) During questioning, suspects must in no case be subjected to torture, ill-treatment or physical or psychological pressure;

(c) The questioning shall last not more than four successive hours and eight hours in a day. There shall be an interval of two hours between two questioning sessions to enable suspects to eat, rest, etc.;

(d) The names of the persons present at the questioning, its content and the words spoken shall be carefully recorded so that they can be examined by a competent authority;

(e) The questioning shall be conducted sitting down;

(f) There shall be no altercation with the person questioned;

(g) After the end of the questioning a report shall be drawn up and signed by the persons who took part in it, stating the purpose of the questioning and the times at which it began and ended.

271. On 19 July 1991 the Government of the Philippines transmitted to the Special Rapporteur a copy of Republic Act No. 7055, signed into law by President Aquino on 20 June 1991 and entitled "An Act strengthening civilian supremacy over the military by returning to the civil courts the jurisdiction over certain offences involving members of the Armed Forces of the Philippines, other persons subject to military law, and the members of the Philippine National Police, repealing for the purpose certain Presidential Decrees". Section 3 of this Act repealed, inter alia, Presidential Decree No. 1850, which provided the military courts with jurisdiction over all offences committed by members of the armed forces and the police. The revocation of this decree had been recommended by the Special Rapporteur in his report on his visit to the country (see E/CN.4/1991/17, para. 269).

272. The Government also informed the Special Rapporteur that on 18 June 1991 the Philippine Commission on Human Rights, the Department of National Defense, the Department of Justice, the Department of the Interior and Local Government and the National Police, had signed a memorandum of agreement outlining the procedures to be followed in the release from custody of detainees or accused persons to minimize if not eliminate altogether incidents of disappearance.

273. On 25 July 1991 the Government of the Philippines transmitted to the Special Rapporteur a list of 42 members of the military who had been convicted of serious human rights violations in the country since 1986.

274. By letters dated 17 October addressed to the Government of Peru and 21 October 1991 addressed to the Governments of Honduras and Guatemala, the Special Rapporteur again requested those Governments to inform him of any measures they might have taken in pursuance of the recommendations made following his visits to their countries (see E/CN.4/1989/15, para 187 and E/CN.4/1990/17, paras. 216 and 254). In this connection the Government of Peru informed the Centre for Human Rights that Legislative Decree No. 685 had been enacted authorizing access by officials of the Office of the Attorney General to military installations and police detention centres in all areas throughout the country in which states of emergency were in effect to verify the situation of persons who had been detained.

V. CONCLUSIONS AND RECOMMENDATIONS

275. There is hardly any international legal norm which is so widely acclaimed as the prohibition of torture; and there is hardly any human right which is so densely covered by a network of international instruments and mechanisms. Torture is forbidden under all general human rights conventions, whether universal or regional. Nevertheless, it was deemed necessary to conclude separate conventions specifically dealing with torture which focused on the enforcement of its prohibition, again both at the universal and at the regional level. Fact-finding or monitoring mechanisms have been established in order to strengthen the machinery for the prevention of torture. Such mechanisms include the European Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Special Rapporteur of the Commission on Human Rights on questions relevant to torture. Moreover, non-governmental organizations have organized worldwide campaigns to rouse public opinion and to bring pressure to bear on Governments with a view to putting an end to the phenomenon of torture.

276. The general revulsion against torture which finds expression in this network of instruments and mechanisms undoubtedly stems from the fact that torture is one of the most ignominious violations of human rights. Respect for human dignity is at the origin of all human rights, as is reflected in the first preambular paragraph of the Universal Declaration of Human Rights; torture is the absolute negation of that dignity.

277. The fact that the practice of torture is still widespread may partly be explained by the fact that it concerns a human right which can be violated very easily, since it is the most intimate of human rights violations. Torture almost invariably takes place in isolation, in the detention cell, in the interrogation room, in the torture chamber. Moreover, it is anonymous: the victim hardly ever sees the face of his torturer, since in most cases he is blindfolded or hooded. The first condition for mutual respect, eye-to-eye contact, is wilfully denied. The victim is turned into an object. The torturer has no face for the victims, but very often he has no face either to his fellow men in society. Only his co-perpetrators know his face. The torturer is part of a gang. Since no man is born a torturer, he is drawn into a web which encloses him gradually but unrelentingly and from which he is hardly ever able to disentangle himself. And within the sub-group to which he belongs, rationalizations for the practice of torture are made: the torturer finds the arguments to explain to himself the inner logic of his behaviour.

278. In the context of a research project undertaken by Projects for the Interdisciplinary Study of Root Causes of Human Rights Violations (PIOOM), of Leiden University (the Netherlands), to explore the causes of torture, interviews were held with 49 military officers in four Latin American countries which during the 1970s and 1980s were notorious for the practice of torture. All these officers had either been responsible for torture practices or had actively participated in them. The research project has not yet been concluded, but from the interviews it became clear that almost without exception the use of torture was seen as the only means of getting to the truth rapidly, and rapidity was considered to be essential. The subjects stated that "the opponent" (whether guerrilla units or "terrorists") often

violently attacked and killed members of the military and even their relatives. Since "the opponent" was usually well-trained in withstanding normal interrogation techniques, the only way to extract information vital for the protection of the lives of one's own group was torture. The rationalization and the justification for the use of torture are implicitly given: "it is either them or us". But this also explains the hideous vicious circle to which torture leads. Since in a situation of civil war or civil strife the opponent is not readily recognizable, everyone who does not clearly belong to "us", may be one of "them". Consequently, every innocent citizen or bystander is exposed to the risk of torture, in particular those who give voice to their criticism of the incumbent regime or take up the cause of those whose human rights are violated. Human rights activists and human rights lawyers are seen as part of "them" since they are not part of "us". Once the use of torture is rationalized and found justifiable in specific cases, it becomes justifiable in other cases as well. The circle of potential victims of torture gradually becomes wider and wider and torture becomes a habit. And because of its intimate character, the chances that perpetrators of torture will be held responsible for acts of torture are relatively small, even if the authorities are willing to prosecute them.

279. In its resolution 1991/29 the Commission on Human Rights reiterated its deep concern at the adverse effect on the enjoyment of human rights of persistent acts of violence committed in many countries by armed groups, regardless of their origin, that spread terror among the population, and by drug traffickers. It is indeed a matter of deep concern that human rights are thus violated in the most ruthless way, often by groups which claim they fight for a better society which is more in conformity with the requisites of justice. Their acts are in the starkest contrast possible to their claims and such acts should be condemned unequivocally and without reservation. Such acts, however, can never serve as an excuse for similar acts on the part of the authorities. All international instruments explicitly state that there is no justification whatsoever for torture; not even under a state of emergency may the prohibition of torture be suspended. There is a very sound reason for this unreserved prohibition: national security can never be an aim in itself but has to be achieved for the well-being of the people; national security which is achieved at the expense of respect for human rights would turn into a caricature of itself.

280. Under circumstances in which torture is practiced or condoned by the authorities, it is the judiciary which forms the last bastion for the protection of the citizen's basic rights. Nevertheless, it is tragic to note that in many cases the judiciary does not seem to be aware of the role it can play in upholding the rule of law. From many country reports it is evident that judicial bodies often believe that their impartiality forbids them from taking a stand whenever there is a deep rift between the authorities and part of their subjects who no longer feel protected, but rather threatened by these authorities. The judiciary, however, should bear in mind that, as stated in Principle 6 of the Basic Principles of the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and endorsed by the General Assembly in its resolutions 40/32 and 40/146, "the principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are

respected". Even when no law suits are initiated against perpetrators of torture, either because their identity cannot be ascertained or because the prosecuting authorities remain passive, the judiciary can make significant contributions towards reinforcing the prohibition of torture by refusing to admit evidence which, in its opinion, might have been obtained through torture and by ordering the release of anyone who has been arrested and detained in violation of national and international standards. If the judiciary takes such a position the use of torture becomes less worthwhile, and thereby less attractive.

281. There are well-known examples of members of the judiciary who took their independence seriously and acted along the lines mentioned above, and as a result were disciplined or removed from office. It should be realized that this could only happen because of the passivity of their colleagues. If the judiciary as a whole would recognize that the principle of independence requires the judiciary to ensure that the rights of the parties are respected, such regrettable incidents simply could not happen. In too many cases the judiciary, by hiding behind a false claim to impartiality and neutrality, has actually shielded the most brazen violations of human rights.

282. No member of the judiciary can be in doubt any longer as to the rights which a person in detention has under international law, and which consequently have to be ensured to him. The international community has formulated these standards in a number of highly important instruments, ranging from the United Nations Standard Minimum Rules for the Treatment of Prisoners approved by the Economic and Social Council in 1957 and 1977, to the Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment, approved by the General Assembly in 1988. The duties of people charged with control over persons who have been deprived of their liberty are laid down in the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in 1979, and in the Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in 1982. In all these documents the use of torture is explicitly forbidden. In this context it is noteworthy that, in an explanatory note to Principle 6 of the Body of Principles, it is stated that

> "the term 'cruel, inhuman or degrading treatment or punishment' should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental".

283. In most of the above-mentioned documents emphasis is laid on the necessity of judicial control and supervision. In Principle 9 of the Body of Principles it is explicitly stated that the authorities which arrest a person, keep him under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority. This illustrates the highly significant role the judiciary has to play with regard to the protection of a detained person's basic rights. In this context it may be pointed out that when the General Assembly approved the Body of Principles in its resolution 48/173 of 9 December 1988, it urged that every effort be made so that the Body of Principles should become generally known and respected. This

provision of the covering resolution has no specific addressee; it is noteworthy in particular that it is not addressed to States or Governments but in general to all those who have a function in ensuring that these principles should be respected, including the judiciary and professional organizations, such as medical associations.

284. The protection of the detainee's right to physical and mental integrity in cases where torture has allegedly taken place is not the only important task of the judiciary. Its role may be even more important in the prevention of torture. In this respect special attention must be given to the detainee's right to legal counsel. Torture most often takes place during incommunicado detention, when the detainee is refused access to legal counsel. In this respect Principle 18, paragraph 3, of the Body of Principles may be highlighted. It states that the right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order.

285. In many countries national legislation has not yet been brought fully into conformity with these high international standards. It seems, however, to be good legal reasoning that whenever a judge is asked to apply the law he must do so by interpreting the national legal rules in such a way that they conform as much as possible with the international standards. In doing so the national judiciary can play a constructive role in the promotion of respect for human rights. This promotion of respect for human rights is an obligation of all States under the Charter, and the judiciary, as an organ of the State, consequently has its own responsibility in that respect.

286. It is a matter of great concern that lawyers who have taken up the case of persons whose human rights have been violated are themselves sometimes subjected to harassment or even become the victims of serious human rights violations. During the period under review, nine cases were brought to the Special Rapporteur's attention in which lawyers were deprived of their liberty and allegedly subjected to torture. It is a cynical world indeed where persons who do nothing but honour their profession by helping people to have their rights respected, themselves become victims of violations of these rights.

287. In all his previous reports the Special Rapporteur has stressed the importance of preventive measures. As one of the most significant of such measures he mentioned the establishment of a system of periodic visits to places of detention by independent experts. Within the context of the Council of Europe a convention has been concluded to set up such a system of periodic visits. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, established under the convention, has visited a number of States parties, and although it carries out its mandate in strict confidentiality, two States parties (Austria and Denmark) decided to make public the Committee's report on the visit paid to their country. The idea of establishing a treaty-based worldwide system of periodic visits, as contained in the Costa Rican proposal made in 1980 and as amended last year (E/CN.4/1991/66), is still on the Commission's agenda. The Special Rapporteur

hopes that the reports of the above-mentioned Committee for the Prevention of Torture which have been published will help the Commission to obtain a better insight into the functioning of such a mechanism in order to enable it to take a decision on the important proposal before it. In this context it may be pointed out that in both reports, the Committee stressed the importance of the regular inspection of places of detention by independent national bodies or agencies carrying out a function complementary to its own task. The Committee is obviously of the opinion that a system of visits on a national and international basis will have a highly prophylactic effect on the occurrence of torture.

288. In spite of all the successes which have been achieved in the fight against torture - the convention concluded, the mechanisms established, the codes of conduct and the principles adopted - torture continues apace. The world can no longer avoid the conclusion that while successes have been registered at the international level, only failures can be recorded at the national level. The most vital question before us, therefore, is: how do we bridge this seemingly unbridgeable gap between international success and national failure? For if we do not, the schizoid contrast between the external and the internal behaviour of States threatens to discredit the verbally endorsed campaign against torture. How do we transform the paper formulae into rules of conduct which are endorsed in the minds of men? The Special Rapporteur feels that this can only be achieved if all levels of society recognize their own responsibility in this respect and act accordingly. Governments should realize that they cannot leave the fight against torture to the treaty-based bodies and the mechanisms established for that specific purpose, but that they should vigorously support that fight within their own competence by continuously holding accountable Governments which allow torture to take place within their borders. They can do so by exerting diplomatic pressure, and by other means at their disposal.

289. At the internal level, Governments should scrupulously translate into national guarantees the international standards they have approved. Through education and training programmes, they should famililiarize their law enforcement personnel with the rules they are expected to apply.

290. Other branches of the State - legislative or judiciary - should take their own responsibility and become aware of the role they can play in the protection of human rights.

291. Professional organizations should ban each and every member of their profession who has discredited and dishonoured it by participating in or facilitating the use of torture.

292. Human rights organizations should expose acts of torture and arouse public opinion about laxity of the authorities in taking action to suppress and prevent torture.

293. Only by the concerted and sustained action of all strata of society can the evil of torture be successfully fought and overcome. The prospect of the World Conference on Human Rights, to be held in 1993 in Berlin, should inspire all of us with new vigour in our efforts to eradicate this most malicious assault on human dignity.

294. In conclusion, the Special Rapporteur wishes to make the following recommendations, many of which can be found in his previous reports:

(a) States which have not yet done so, should ratify as soon as possible the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) The judiciary should play an active role in guaranteeing to detainees the rights they have according to international and national standards;

(c) Since incommunicado detention is highly conducive to torture practices it should be declared illegal. A person found to be in incommunicado detention should be released without delay;

(d) The right to have access to a lawyer is one of the basic rights of a person who is deprived of his liberty. Regular contacts with a lawyer have a torture-preventing effect. Restrictions on the right to see a lawyer should therefore be exceptional, and always be under judicial control;

(e) The interrogation of detained persons should only take place at official interrogation centres. All interrogations should be carried out in conformity with Principle 23 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Evidence obtained from a detained person in non-official interrogation centres should not be admitted as evidence in court, unless confirmed by him during interrogation at official locations. The blindfolding or hooding of detainees during interrogation should be absolutely forbidden;

(f) Places of detention should be regularly inspected by independent experts. The institution of a treaty-based system of periodic visits to places of detention would be a highly effective preventive measure against the occurrence of torture and should therefore be seriously considered;

(g) Complaints about torture should be dealt with immediately and should be investigated by an independent authority which has no relation to the authority that investigated the offence the detainee was suspected of having committed. In this context the establishment of the post of an ombudsman-type authority or an independent commission on human rights with investigative and/or prosecutory powers may be recommended;

(h) Whenever a torture complaint is found to be justified, the victims should be provided with compensation without delay;

(i) Whenever a torture complaint is found to be justified, the perpetrators should be severely punished. If the torture is found to have taken place in an official place of detention, the official in charge of this location should be disciplined or punished;

(j) Since the Special Rapporteur continues to receive information that members of the medical profession play a role in the practice of torture, he wishes to reiterate his previous recommendation that professional medical associations take strict measures against such persons who have dishonoured their profession;

(k) Each detained person should have the right to initiate, immediately after his arrest, proceedings before a court on the lawfulness of his detention, in conformity with article 9, paragraph 4, of the International Covenant on Civil and Political Rights. Since the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 32 of which contains the same provision, makes no exception for times of emergency, a detained person should be entitled to exercise this right also under a state of siege or emergency;

(l) Training programmes for law enforcement and security personnel should reflect the respect due to the inherent dignity of all detained persons. In particular, such personnel should be instructed on their duty to disobey orders received from a superior to practise torture;

(m) Governments are reminded that they can avail themselves of the programme of advisory services of the United Nations Centre for Human Rights in combating torture.